

expressed in said Act of Congress; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

NEAL, Chairman.

By Neal.

S. B. No. 86.

A BILL
To Be Entitled

An Act accepting the provisions and benefits of an Act of Congress passed June 2, 1920, and amended June 5, 1924, entitled "An Act to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise, and their return to civil employment"; authorizing the Treasurer of Texas to receive Federal funds appropriated by Congress under said Act of Congress and to make disbursements therefrom upon the order of the State Board for Vocational Education; providing for cooperation between the State Board for Vocational Education and the Federal Board for Vocational Education in accordance with the terms and conditions expressed in said Act of Congress; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The Legislature of Texas does hereby accept the provisions and benefits of an Act of Congress passed June 2, 1920, amended June 5, 1924, entitled: "An Act to provide for the promotion of Vocational Rehabilitation of persons disabled in industry or otherwise, and their return to civil employment."

Sec. 2. The Treasurer of Texas be, and he is hereby authorized and empowered to receive the funds appropriated under said Act of Congress, and is authorized to make disbursements therefrom upon order of the State Board for Vocational Education. The State Board for Vocational Education is empowered and instructed to cooperate with the Federal Board for Vocational Education in accord with the terms and conditions expressed in the Act of Congress aforesaid.

Sec. 3. The fact that there are annually in Texas approximately

5,000 physically disabled persons who are not able to follow a vocation, and who are dependent on friends, relatives, or the State for support; that these persons can be made self-supporting by special vocational training and proper placement in jobs; that it is socially and economically sound to return these persons to remunerative employment; that forty-two States and the District of Columbia now provide this training and placement for their disabled citizens; and that the Federal Government will allot annually to the State of Texas \$44,296.50 for this work, provided the Legislature of Texas accepts the provisions of the National Rehabilitation Act; all creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

ELEVENTH DAY.

Senate Chamber,
Austin, Texas,

Thursday, May 9, 1929.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Barry Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

| | |
|-------------|-------------|
| Beck. | Moore. |
| Berkeley. | Neal. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Greer. | Russek. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |

Absent—Excused.

| | |
|---------|--------|
| Galner. | Small. |
| Parr. | |

Prayer by the chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Love.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Martin:

S. B. No. 107, A bill to be entitled "An Act creating the office of criminal district attorney in each county in this State containing a population of more than 37,000 inhabitants, etc. and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Hornsby:

S. B. No. 108, A bill to be entitled "An Act to better define fraternal benefit societies and providing and defining a lodge system for such, etc., and declaring an emergency."

Read first time and referred to Committee on Insurance.

By Senator Love:

S. B. No. 109, A bill to be entitled "An Act granting to and recognizing, ratifying and confirming authority of cities having a population of more than one hundred fifty thousand and less than one hundred sixty thousand, at the time of taking Federal Census of 1920, and operating under provision of the Home Rule Act, the power to provide for annexing additional territory according to such provisions as are contained in the Chapter of such city; etc., and declaring an emergency."

Read first time and referred to Committee on Towns and City Corporations.

By Senators Berkeley, Hornsby, Stevenson, and Hardin:

S. B. No. 110, A bill to be entitled "An Act to provide for the destruction of certain predatory animals and rodent pests; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Pollard:

S. B. No. 111, A bill to be entitled "An Act providing that the State of Texas, through the Game, Fish and Oyster Commission, shall have power, right and authority to condemn and appropriate to the use of

the State, land and water in Smith County, Texas, for the purpose of erecting, constructing, enlarging and maintaining fish hatcheries, buildings, necessary equipments, roads and passageways to said hatcheries; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Pollard:

S. B. No. 112, A bill to be entitled "An Act to amend Section 7 of S. B. No. 106, enacted at the Second Called Session of the Thirty-sixth Legislature, authorizing the Board of Trustees of Quitman Independent School District in their discretion to have the special taxes of said School District collected by the county tax collector, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator McFarlane:

S. B. No. 113, A bill to be entitled "An Act authorizing persons who, while acting as a duly elected and qualified tax collector of any county in Texas, erroneously paid to the county any excess fees of office, to sue the county for the fees so erroneously paid."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator DeBerry:

S. B. No. 114, A bill to be entitled "An Act amending Chapter 91 of the General Laws of the First Called Session of the Fortieth Legislature so as to provide that the provisions of said Chapter shall apply to counties in Texas having a population of not less than 55,710 and not more than 56,000, according to the Federal Census of 1920, and declaring an emergency."

Read first time and referred to Committee on Educational Affairs.

By Senator Witt:

S. B. No. 115, A bill to be entitled "An Act to create a more efficient road system for McLennan County, Texas, etc; and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Hornsby:

S. B. No. 116, A bill to be entitled "An Act to adopt a General Arbitra-

tion Statute repealing the present General Arbitration Statute insofar as applicable to written contracts executed and delivered after this Act becomes effective."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Greer:

S. B. No. 117, A bill to be entitled "An Act amending Section or Subdivision 3, of Article 199 of the Revised Civil Statutes of 1925, and changing the times of holding the terms of the District Court in the Third Judicial District of Texas; etc., and declaring an emergency."

Read first time and referred to Committee on Judicial Districts.

By Senator Williamson:

S. B. No. 118, A bill to be entitled "An Act to amend Title 55, of the Revised Civil Statutes of the State of Texas, 1925 by adding thereto Article 3769a, providing that in the trial of any civil suit or proceeding in any justice court, county court, or district court in this State, either the plaintiff or defendant shall have the right to call as a witness the adverse party or parties and further providing that the answers of such adverse party as a witness shall not deprive the other evidence or impeach the witness; etc., and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Greer:

S. B. No. 119, A bill to be entitled "An Act creating a more efficient road system for Anderson County, Texas; etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Parr:

S. B. No. 120, A bill to be entitled "An Act fixing the salary of the county commissioners of certain counties according to the tax rolls of 1928 on file in the office of the State Comptroller; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 121, A bill to be entitled "An Act to amend Chapter 3, Title 67 of the Revised Civil Statutes of

Texas, by adding thereto Article 4056-a; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 122, A bill to be entitled "An Act to amend Article 2372 of Title 44, Revised Civil Statutes of Texas of 1925, providing for pay of court interpreters and prescribing such."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Parr:

S. B. No. 123, A bill to be entitled "An Act to amend Article 7622 of the Revised Civil Statutes of the State of Texas, Revision of 1925; etc., and declaring an emergency."

Read first time and referred to Committee on Mining, Irrigation and Drainage.

By Senator Parr:

S. B. No. 124, A bill to be entitled "An Act creating a more efficient road system for McMullen County, Texas; etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Parr:

S. B. No. 125, A bill to be entitled "An Act to fix the maximum rate of tax to be levied for the purpose of issuing bonds and maintaining the public schools in school districts in all counties which according to the Federal Census of 1920, have a population of not fewer than 36,500 and not more than 36,700; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 126, A bill to be entitled "An Act to provide more adequate compensation for county judges in counties which have voted road and bridge bonds amounting to six million dollars or more; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Parr:

S. B. No. 127, A bill to be entitled "An Act creating a more efficient

road system for Nueces County, Texas; etc., and declaring an emergency."

Read first time and referred to Committee on State Highways and Motor Traffic.

By Senator Parr:

S. B. No. 128, A bill to be entitled "An Act authorizing the Commissioner of Agriculture to establish, maintain and enforce quarantine regulations to protect the agricultural and horticultural interests of this State against the introduction into and dissemination into, and or within this State from any State, States, and or parts of States other than the State of Texas; etc., and declaring an emergency."

Read first time and referred to Committee on State Affairs.

Point of Order.

Senator McFarlane raised the point of order that the committee reports on Senate Bills Nos. 78 and 79 were out of order because no quorum of the committee was present when these bills were considered.

The Chair overruled the point of order on the ground that he could not rule on what took place in committee.

Senator McFarlane raised the point of order that the two bills were not included within the Governor's call and the further point of order that S. B. Nos. 78 and 79 were revenue producing measures, and, according to Article 3, Section 33, of the Constitution, must originate in the House.

The Chair ruled that the bills were not now before the Senate for consideration.

Bill Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

H. B. No. 87.

Messages From the Governor.

The Chair recognized the Doorkeeper, who introduced a messenger from the Governor with the following messages:

Executive Office,
Austin, Texas, May 9, 1929.
To the Honorable Forty-first Legislature:

6—Jour.

At the request of members of the Legislature the following matters are submitted for your consideration. The attached bills are on the following subjects:

(1) Local game bills for San Saba, Gillespie, Blanco, Kendall, Kerr, Llano, Mason, Kimble, Cass Bowie, Morris and Titus Counties.

(2) A local school bill for Wood County, and a bill amending Section 1 of Chapter 91 of the First Called Session of the Fortieth Legislature.

(3) A bill amending Articles of Title 10 of the Code of Criminal Procedure.

(4) A bill amending Articles 1377 and 1378 of the Penal Code.

(5) A bill amending the statutes to authorize the adjustment of accounts between counties and county officers, because of the opinion of the Supreme Court in the case of Bitter vs. Bexar County.

(6) A bill amending Chapter 3, Title 67 of the Revised Civil Statutes of Texas.

(7) A local game bill for Smith County.

(8) A bill re-enacting Chapter 4 of Title 104 of the Revised Civil Statutes of 1911.

In addition to the above the following subjects are submitted:

(a) Amendments to the statutes with reference to navigation districts and water control and improvement districts.

(b) The enactment of necessary local road laws for the several counties of the State.

(c) The amendment of statutes authorizing the Board of Regents of the University of Texas to accept and hold in trust for the University of Texas sums of money to provide scholarships in the University of Texas to students.

Respectfully submitted,

DAN MOODY,
Governor.

Motion to Recommit.

Senator Love moved to recommit H. B. No. 31 to the Committee on Educational Affairs. The motion prevailed.

Motion to Print.

Senator Woodul moved that S. B. No. 95 be printed in the Journal on

minority report. The motion prevailed.

Messages From the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, May 9, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. Harman:

H. B. No. 14, A bill to be entitled "An Act to amend Articles 2741 and 2742 of the Revised Civil Statutes of 1925, relating to the establishment of common school districts, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 9, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

By Mr. McDonald:

H. B. No. 63 A bill to be entitled "An Act to add to the Revised Civil Statutes of Texas for 1925 a new article to be known as Article 7047a, to provide for an occupation tax on the business or occupation of owning, operating, managing, or controlling exchanges which furnish quotations on the stock market on certain commodities or stocks and bonds; providing said Act shall not apply to certain persons, firms, corporations, or associations of persons, and declaring an emergency."

By Mr. Montgomery and Mr. Kemble:

H. B. No. 93, A bill to be entitled "An Act relating to banks and bank and trust companies; enacting Article 517a, Revised Civil Statutes of 1925, and providing against preferences in favor of depositors of banks and bank and trust companies by pledging the assets of such corporations, and declaring an emergency."

By Mr. McGill, Mr. Duvall and Mr. Beck:

H. B. No. 61, A bill to be entitled "An Act to amend Article 7117 of Chapter 5, of Title 122, of the Revised Civil Statutes of Texas, 1925 codification, so as to exempt from inheritance tax intangible personal property of a non-resident who was, at the time of his death, a resident of a State or Territory of the United States or of a foreign country which did not impose a transfer or inheritance tax of any character in respect of intangible personal property of residents of this State, or whose laws contained a reciprocal provision under which non-residents were exempt from such transfer or inheritance tax of such intangible personal property, provided the State or Territory or foreign country of the residence of such non-resident allowed a similar exemption to residents of the State, Territory or foreign country of the residence of such decedent, and declaring an emergency."

By Mr. Savage:

H. B. No. 65, A bill to be entitled "An Act to amend Article 2963, Article 2965 and Article 2968 of the Revised Civil Statutes of Texas, relating to the mailing of poll tax receipts to certain persons, and providing for the mailing of poll tax receipts to property taxpayers subject thereto; and providing that the poll tax receipts for persons who are not citizens of the United States shall be marked 'Not entitled to vote,' and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 9, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

S. C. R. No. 5, With reference to a suitable memorial to the late Joseph Weldon Bailey.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, May 9, 1929.
Hon. Barry Miller, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following bills:

By Mr. Keller:

H. B. No. 35, A bill to be entitled, "An Act amending Article 6194 of the Revised Civil Statutes of 1925 so as to increase the rewards to be bestowed for good conduct to convicts serving sentence; repealing all laws in conflict, and declaring an emergency."

By Mr. Sinks:

H. B. No. 55, A bill to be entitled "An Act to amend Article 7414 of the Revised Civil Statutes of 1925."

By Mr. Montgomery and Mr. Kemble:

H. B. No. 92, A bill to be entitled "An Act relating to banks and bank and trust companies; amending Article 535, Revised Civil Statutes of 1925, and prescribing the method of transfer of stock of banks and bank and trust companies, making the record owner liable as stockholder; and providing for the joining of transferrer and transferee of stock in case of suit, and declaring an emergency."

By Mr. Long of Wichita:

H. B. No. 130, A bill to be entitled "An Act permitting counties having a certain population to employ dairying specialists, providing payment, and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Motion to Recommit.

Senator McFarlane moved to recommit S. B. Nos. 78 and 79 to the Committee on Public Health for the reason that a majority of the Committee was not present when these bills were considered.

Senator Moore moved to table the motion. The motion prevailed by the following vote:

Yeas—24.

| | |
|-------------|------------|
| Beck. | Miller. |
| Berkeley. | Moore. |
| Cousins. | Neal. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Greer. | Russek. |
| Hardin. | Stevenson. |
| Holbrook. | Westbrook. |
| Hornsby. | Wirtz. |
| Hyer. | Witt. |
| Love. | Woodul. |
| Martin. | Woodward. |

Nays—3.

McFarlane. Williamson.
Parrish.

Absent.

Thomason.

Absent—Excused.

Galner. Small.
Parr.

House Bill Referred.

H. B. No. 14 referred to Committee on Educational Affairs.

House Bill No. 28.

The Chair laid before the Senate on second reading the following bill:

H. B. No. 28, A bill to be entitled "An Act providing for the Texas Prison System; increasing the duties, powers and functions of the Texas Prison Board; providing for the construction and building of buildings and walls and the location of a new penitentiary; providing for the removal of prisoners; providing for the purchase and sale of land and the sale and manner thereof of property now controlled and used by the Prison System; providing for purchase and sale of products of said system and also by the Board of Control for each system, and for other State institutions and purposes; making an appropriation; repealing all laws in conflict herewith; and declaring an emergency."

Senator Holbrook raised the point of order that the minority report had not been printed as was ordered yesterday and the bill could not be taken up.

The Chair stated that the question was now on the committee report that the bill be not printed, a two-thirds vote being necessary to adopt the report.

Senator Wirtz raised the point of order that a committee report could be adopted by a majority vote.

The Chair ruled that adoption of this Committee report was equivalent to changing the rule requiring all bills except local bills to be printed and would require a two-thirds vote.

Recess.

On motion of Senator Woodward, the Senate, at 12:00 o'clock noon, recessed until 2:05 o'clock p. m.

After Recess.

The Senate met at 2:05 o'clock p. m., pursuant to recess, and was called to order by Lieutenant Governor Barry Miller.

House Bills Referred.

H. B. No. 65, referred to Committee on Civil Jurisprudence.

H. B. No. 61, referred to Committee on State Affairs.

H. B. No. 63, referred to Committee on State Affairs.

H. B. No. 93, referred to Committee on Banks and Banking.

House Bill No. 28.

The question recurred upon the adoption of the Committee report on H. B. No. 28, that the bill be not printed.

The Committee report was lost by the following vote:

Yeas—11.

| | |
|------------|------------|
| Berkeley. | Patton. |
| DeBerry. | Pollard. |
| Martin. | Russek. |
| McFarlane, | Stevenson. |
| Moore. | Wirtz. |
| Parr. | |

Nays—12.

| | |
|-----------|-----------|
| Beck. | Neal. |
| Greer. | Parrish. |
| Hardin. | Thomason. |
| Holbrook. | Witt. |
| Hornsby. | Woodul. |
| Love. | Woodward. |

Absent.

| | |
|-------------|-------------|
| Cunningham. | Miller. |
| Hyer. | Williamson. |

Absent—Excused.

| | |
|---------|--------|
| Gainer. | Small. |
|---------|--------|

(Pair Recorded.)

Senator Westbrook (present), who would vote nay with Senator Cousins (absent), who would vote yea.

(Two-thirds vote required.)

Senate Bill No. 23.

Senator Woodul moved to reconsider the vote by which S. B. No. 23 was finally passed. The motion prevailed.

Senator Woodul sent up the following amendment:

Amend the caption of S. B. No. 23 by striking out the entire caption thereof and substituting in lieu thereof the following:

"An Act amending Article 6196

of the Revised Civil Statutes of 1925 so as to provide the manner and method of the discharge of convicts from the State Penitentiary; and declaring an emergency."

WOODUL.

The amendment was read and adopted by the following vote:

Yeas—24.

| | |
|-------------|------------|
| Beck. | Parr. |
| Berkeley. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Greer. | Russek. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hyer. | Westbrook. |
| Martin. | Wirtz. |
| McFarlane. | Witt. |
| Moore. | Woodul. |
| Neal. | Woodward. |

Nay—1.

Hornsby.

Absent.

| | |
|----------|-------------|
| Cousins. | Miller. |
| Love. | Williamson. |

Absent—Excused.

| | |
|---------|--------|
| Gainer. | Small. |
|---------|--------|

The bill was read third time and finally passed by the following vote:

Yeas—24.

| | |
|-------------|-------------|
| Beck. | Parrish. |
| Berkeley. | Patton. |
| Cunningham. | Pollard. |
| DeBerry. | Russek. |
| Greer. | Stevenson. |
| Hardin. | Thomason. |
| Holbrook. | Westbrook. |
| Hyer. | Williamson. |
| Martin. | Wirtz. |
| McFarlane. | Witt. |
| Miller. | Woodul. |
| Moore. | Woodward. |
| Neal. | |

Nay—1.

Hornsby.

Absent.

Cousins. Parr.
Love.

Absent—Excused.

Gainer. Small.

American Agricultural Editors Visit.

At 3:00 o'clock p. m., a delegation representing the American Agricultural Editors Association entered the Chamber. The Chair announced their visit to the Senate.

On motion of Senator Neal, the Hon. John F. Cunningham of Racine, Wis., president of the Association, was invited to address the Senate.

The Chair appointed Senators Neal, Beck, and Martin to escort Mr. Cunningham to the platform. Senator Neal introduced Mr. Cunningham, who briefly addressed the Senate.

Resolution Signed.

The Chair, Lieutenant Governor Barry Miller, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following resolution:

S. C. R. No. 5.

Message From the Governor.

The Chair recognized the Door-keeper, who introduced a messenger from the Governor with the following message:

Executive Office,

Austin, Texas, May 9, 1929.

To the Members of the Forty-first Legislature:

Some of your Lamber who have been giving thought and attention to the matter of providing adequate revenues for the development of our highway system are impressed with the thought that the situation would be improved, and the problem of working out proper legislation to finance highway construction and maintenance would be more easily solved, if subjects are submitted broad enough to admit legislative consideration of the license fees imposed upon motor vehicles. In deference to their judgment in the matter, and in the hope that it will facilitate the adoption of proper laws to adequately and equitably finance highway development, I submit for

your consideration the subject of laws dealing with revenues derived from license fees imposed upon motor vehicles.

Respectfully submitted,
DAN MOODY, Governor.

Senate Bill No. 13.

The Chair laid before the Senate as special order the following bill:

By Senators Neal, Cunningham and others:

S. B. No. 13, A bill to be entitled "An Act relating to the State Board of Education; providing for the appointment of the members of said Board; prescribing their qualifications, terms of service, and duties; etc., and declaring an emergency."

Senator Hornsby sent up the following amendment:

Amend S. B. No. 13 by striking out all of Section 1 and insert in lieu thereof the following:

Section 1. There is hereby created the State Board of Education. Said board shall consist of the State Superintendent of Public Instruction and six members to be appointed by the Governor with the advice and consent of the Senate. Of the first Board to be appointed, the terms of two members shall expire on January 1, 1931; the terms of the next two members shall expire on January 1, 1933, and the terms of the two remaining members shall expire on January 1, 1935. After the first Board, the term of each member shall be for six years from the date of the respective appointments, and the appointments shall be made and the terms arranged in such manner that two of said members shall retire on the first day of January biennially, and the Governor shall biennially on the first of January fill such vacancies by the appointment of two members. Each member of said Board shall be a citizen of Texas thirty years of age and otherwise qualified to vote. And no member shall at the time of his appointment or during the term of his service be engaged as a professional educator except the State Superintendent of Public Instruction who is an ex-officio member as provided herein.

HORNSBY.

The amendment was read.

Senator Thomason moved to table the amendment. The motion prevailed by the following vote:

Yeas—18.

| | |
|-------------|-----------|
| Beck. | Miller. |
| Berkeley. | Neal. |
| Cousins. | Pollard. |
| Cunningham. | Russek. |
| DeBerry. | Thomason. |
| Holbrook. | Wirtz. |
| Hyer. | Witt. |
| Love. | Woodul. |
| Martin. | Woodward. |

Nays—7.

| | |
|----------|-------------|
| Greer. | Parrish. |
| Hardin. | Patton. |
| Hornsby. | Williamson. |
| Moore. | |

Present—Not Voting

McFarlane.

Absent.

| | |
|------------|------------|
| Parr. | Westbrook. |
| Stevenson. | |

Absent—Excused.

| | |
|---------|--------|
| Gainer. | Small. |
|---------|--------|

Senator Parrish sent up the following amendment:

Amend S. B. No. 13 by striking out of Section No. 1 the following:

"No member of said Board shall be a resident of any county in which is located any of the State supported colleges, the State University, or other State supported institutions of higher learning."

PARRISH.

The amendment was read.

Senator Neal moved to table the amendment. The motion was lost by the following vote:

Yeas—10.

| | |
|-------------|-----------|
| Berkeley. | Martin. |
| Cunningham. | Neal. |
| DeBerry. | Thomason. |
| Hardin. | Witt. |
| Love. | Woodul. |

Nays—17.

| | |
|------------|-------------|
| Beck. | Parrish. |
| Cousins. | Patton. |
| Greer. | Pollard. |
| Holbrook. | Russek. |
| Hornsby. | Stevenson. |
| Hyer. | Williamson. |
| McFarlane. | Wirtz. |
| Miller. | Woodward. |
| Moore. | |

Absent.

| | |
|-------|------------|
| Parr. | Westbrook. |
|-------|------------|

Absent—Excused.

| | |
|---------|--------|
| Gainer. | Small. |
|---------|--------|

The amendment was adopted.

Senator Holbrook sent up the following amendment:

Amend S. B. No. 13 by adding after the word "possess" in line 14, page 5 of the bill, the following: "A Master of Arts degree in some first class university and school and shall have been actually engaged in teaching for five years immediately preceding his time of appointment, and"

HOLBROOK.

The amendment was read.

Senator Greer sent up the following amendment to the amendment:

Amend the amendment by striking out the word "immediately" from the pending amendment.

GREER.

The amendment was read and adopted.

The amendment as amended was adopted by the following vote:

Yeas—13.

| | |
|-----------|-------------|
| Beck. | Russek. |
| Holbrook. | Stevenson. |
| Martin. | Thomason. |
| Miller. | Williamson. |
| Moore. | Wirtz. |
| Parr. | Witt. |
| Pollard. | |

Nays—12.

| | |
|-------------|------------|
| Berkeley. | McFarlane. |
| Cousins. | Neal. |
| Cunningham. | Parrish. |
| Hardin. | Patton. |
| Hornsby. | Woodul. |
| Love. | Woodward. |

Present—Not Voting.

Greer.

Absent.

| | |
|----------|------------|
| DeBerry. | Westbrook. |
| Hyer. | |

Absent—Excused.

| | |
|---------|--------|
| Gainer. | Small. |
|---------|--------|

Senator Martin sent up the following amendment:

Amend S. B. No. 13 by the addi-

tion after the word "citizen" found in line 3, page 2, of the following phrase:

"Of the State of Texas."

MARTIN.

The amendment was read and adopted.

Senator Woodward sent up the following amendment:

Amend S. B. No. 13 by adding after the word "citizen" line 3, page 2, the words "at least."

WOODWARD.

The amendment was read and adopted.

Senator Parrish sent up the following amendment:

Amend S. B. No. 13 by striking out the words "Commissioner of Education" wherever they appear in the bill and inserting in lieu thereof, "The State Superintendent of Public Instruction."

PARRISH.

The amendment was read.

Senator Neal moved to table the amendment.

The motion was lost by the following vote:

Yeas—12.

| | |
|-------------|------------|
| Beck. | Martin. |
| Berkeley. | Neal. |
| Cunningham. | Pollard. |
| DeBerry. | Stevenson. |
| Greer. | Wirtz. |
| Love. | Witt. |

Nays—17.

| | |
|------------|-------------|
| Cousins. | Parrish. |
| Hardin. | Patton. |
| Holbrook. | Russek. |
| Hornsby. | Thomason. |
| Hyer. | Westbrook. |
| McFarlane. | Williamson. |
| Miller. | Woodul. |
| Moore. | Woodward. |
| Parr. | |

Absent—Excused.

| | |
|---------|--------|
| Gainer. | Small. |
|---------|--------|

The amendment was adopted.

Senator Moore sent up the following amendment:

Amend S. B. No. 13 by striking out Sec. 6 and substitute in lieu thereof the following:

Sec. 6. The present Superintendent of Public Instruction, during the term for which he has been elected

and is now serving, shall act as Secretary of the State Board of Education. A Commissioner of Education shall hereafter be elected as now provided by law for the election of a State Superintendent and shall possess such qualifications and serve for such time as said Board may determine, and shall hold a Master of Arts degree in some first class university and shall have actually engaged in teaching for five years preceding his term of election and at such compensation as the Legislature may fix. The State Commissioner of Education when elected shall succeed the present Superintendent of Public Instruction upon the expiration of his present term. The State Commissioner of Education shall serve as Secretary and Executive Officer of the State Board of Education; and, in addition thereto, shall under the direction of the State Board of Education perform the duties now prescribed by law to be performed by the State Superintendent of Public Instruction. When the Commissioner of Education, as provided for herein, shall assume the duties of his office, the State Board of Education shall organize the State Department of Education and its various divisions, and upon the recommendation and nomination of the Commissioner of Education, it shall appoint and fix the compensation of the employees of said department, subject to the appropriations made by the State Legislature.

MOORE,
McFARLANE.

Senator Neal moved the previous question on the bill and the pending amendment. The motion was lost by the following vote:

Yeas—11.

| | |
|-------------|-----------|
| Beck. | Neal. |
| Berkeley. | Pollard. |
| Cunningham. | Thomason. |
| Holbrook. | Witt. |
| Love. | Woodward. |
| Greer. | |

Nays—18.

| | |
|------------|------------|
| Cousins. | Miller. |
| DeBerry. | Moore. |
| Hardin. | Parr. |
| Hornsby. | Parrish. |
| Hyer. | Patton. |
| Martin. | Russek. |
| McFarlane. | Stevenson. |

Westbrook.
Williamson.

Wirtz.
Woodul.

Absent—Excused.

Gainer.

Small.

The amendment was read.
Senators Witt and Pollard moved
to table the amendment.

The motion prevailed.

Senator Miller sent up the follow-
ing amendment:

Amend S. B. No. 13, page 2, line 3
printed bill by striking out the words
"thirty" and insert in lieu thereof
the words "twenty-five."

MILLER.

The amendment was read and
adopted.

Senator McFarlane sent up the fol-
lowing amendment:

Amend S. B. No. 13 by striking
out all of Section 6, except the
amendment adopted providing the
qualifications of the State Superin-
tendent shall have an M. A. degree.

McFARLANE,
MOORE,
PARR,

The amendment was read.

Senator Witt moved to table the
amendment.

Senator Greer raised the point of
order that an amendment contain-
ing the same substance had been
killed previously.

The Chair sustained the point of
order.

Senator Witt moved the previous
question on the engrossment of the
bill. The previous question was or-
dered by the following vote:

Yeas—13.

| | |
|-------------|------------|
| Beck. | Neal. |
| Berkeley. | Pollard. |
| Cunningham. | Thomason. |
| Greer. | Westbrook. |
| Holbrook. | Witt. |
| Hornsby. | Woodward. |
| Love. | |

Nays—12.

| | |
|------------|-------------|
| DeBerry. | Parrish. |
| Martin. | Patton. |
| McFarlane. | Russek. |
| Miller. | Stevenson. |
| Moore. | Williamson. |
| Parr. | Wirtz. |

Absent.

| | |
|----------|---------|
| Cousins. | Hyer. |
| Hardin. | Woodul. |

Absent—Excused.

Gainer.

Small.

The bill as amended passed to en-
grossment by the following vote:

Yeas—17.

| | |
|-------------|-------------|
| Beck. | Pollard. |
| Berkeley. | Stevenson. |
| Cunningham. | Thomason. |
| Greer. | Westbrook. |
| Holbrook. | Williamson. |
| Hornsby. | Wirtz. |
| Love. | Witt. |
| Martin. | Woodward. |
| Neal. | |

Nays—9.

| | |
|------------|----------|
| Cousins. | Parr. |
| DeBerry. | Parrish. |
| McFarlane. | Patton. |
| Miller. | Russek. |
| Moore. | |

Absent.

| | |
|---------|---------|
| Hardin. | Woodul. |
| Hyer. | |

Absent—Excused.

Gainer.

Small.

Reasons for Vote.

Senator Miller sent up his reasons
for his vote on S. B. No. 13.

(See Appendix.)

House Bills Referred.

H. B. No. 35 referred to Commit-
tee on Penitentiaries.

H. B. No. 55, referred to Commit-
tee on Civil Jurisprudence.

H. B. No. 92, referred to Commit-
tee on Banks and Banking.

H. B. No. 130 referred to Commit-
tee on Agriculture.

Senate Bill No. 37.

Senator Love called up from the
table the following bill:

By Senators Moore and Love:

S. B. No. 37, A bill to be entitled
"An Act to provide for the organiza-
tion, incorporation, or admission and
the regulation and taxation of Mu-
tual Insurance Companies; etc., and
declaring an emergency."

Senator Williamson sent up the
following amendment:

Amend S. B. No. 37 by adding at
the end of Section 6, the following:

"Provided no such Company shall write fidelity or surety bonds."

WILLIAMSON.

The amendment was read and unanimously adopted.

Senator Love sent up the following amendment:

Amend by adding at the end of Section 18 the following:

Provided that an association organized under and governed by the provisions of Articles 8308 and 8309, Revised Civil Statutes, may only write the kinds of insurance authorized by said Articles.

LOVE.

The amendment was read and unanimously adopted.

The bill as amended passed finally by the following vote:

Yeas—29.

| | |
|-------------|-------------|
| Beck. | Neal. |
| Berkeley. | Parr. |
| Cousins. | Parrish. |
| Cunningham. | Patton. |
| DeBerry. | Pollard. |
| Greer. | Russek. |
| Hardin. | Stevenson. |
| Holbrook. | Thomason. |
| Hornsby. | Westbrook. |
| Hyer. | Williamson. |
| Love. | Wirtz. |
| Martin. | Witt. |
| McFarlane. | Woodul. |
| Miller. | Woodward. |
| Moore. | |

Absent—Excused.

Gainer. Small.

Senate Bill No. 59.

Senator Westbrook called up from the table the following bill:

By Senator Westbrook:

S. B. No. 59, A bill to be entitled "An Act to amend Art. 3689 of the Revised Civil Statutes of 1925, regulating the compensation of executors, administrators and testamentary trustees, and declaring an emergency."

Senator McFarlane withdrew his pending amendment.

Adjournment.

Senator Russek moved to adjourn until 10:00 o'clock Monday morning.

Senator Pollard moved to adjourn until 10:00 o'clock tomorrow morning.

Senator Russek's motion prevailed by the following vote:

Yeas—14.

| | |
|-------------|------------|
| Cousins. | Patton. |
| Cunningham. | Russek. |
| Martin. | Stevenson. |
| McFarlane. | Thomason. |
| Miller. | Wirtz. |
| Moore. | Woodul. |
| Parr. | Woodward. |

Nays—11.

| | |
|-----------|------------|
| Beck. | Neal. |
| Berkeley. | Parrish. |
| DeBerry. | Pollard. |
| Holbrook. | Westbrook. |
| Hornsby. | Witt. |
| Love. | |

Absent.

| | |
|---------|-------------|
| Greer. | Hyer. |
| Hardin. | Williamson. |

Absent—Excused.

Gainer. Small.

At 5:25 o'clock p. m., the Senate adjourned until Monday morning at 10:00 o'clock.

APPENDIX.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, May 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 50 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, May 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 58 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 19

carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 9, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 81 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee Room,
Austin, Texas, May 9, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 23 carefully examined and compared, and find the same correctly engrossed.

WESTBROOK, Chairman.

Committee on Enrolled Bills.

Committee Room,
Austin, Texas, May 9, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. C. R. No. 5 carefully examined and compared, and find the same correctly enrolled, and have this day at 3:50 o'clock p. m. presented the same to the Governor for his approval.

WITT, Chairman.

Committee Reports.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 98, A bill to be entitled "An Act authorizing the Board of Regents of the University of Texas to accept and hold in trust for the University a gift from the executor of the will of E. D. Farmer, deceased, for the purpose of establishing an International Scholarship Fund; appropriating to the University of Texas all inheritance taxes against the estate of E. D. Farmer, deceased; providing that the amount of said taxes may be paid directly to the Board of Regents of the University of Texas to be held and administered by said

Board of Regents as a special fund to be known as the E. D. Farmer International Scholarship Fund; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 71, A bill to be entitled "An Act to amend Article 6221 of the Revised Civil Statutes of 1925, as amended by Chapter 153 of the General and Special Laws of the Regular Session of the Forty-first Legislature relating to pensions; better regulating and providing for the distribution of pension funds among those entitled to same; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee Substitute, hereto attached, do pass in lieu thereof.

WIRTZ, Chairman.

(Majority Report.)

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 95, A bill to be entitled "An Act repealing Article 3884, Revised Civil Statutes of Texas of 1925, as amended in 1927, relating to the compensation of deputies and assistants of certain district and county officers, and amending Article 3902 of the Revised Civil Statutes of Texas of 1925, relating to compensation of deputies and assistants of certain district and county officers; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

(Minority Report.)

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a minority of your Committee on State Affairs, to whom was referred

S. B. No. 95, A bill to be entitled "An Act repealing Article 3884, Revised Civil Statutes of Texas of 1925, as amended in 1927, relating to the compensation of deputies and assistants of certain district and county officers, and amending Article 3902 of the Revised Civil Statutes of Texas of 1925, relating to compensation of deputies and assistants of certain district and county officers; and declaring an emergency."

Have had the same under consideration, and beg to differ with the majority of your Committee and report the bill back to the Senate with the recommendation that it do pass.

WITT,
HORNSBY.

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 104, A bill to be entitled "An Act to amend Article 1645 of Title 34, of the Revised Civil Statutes of the State of Texas of 1925, as amended by Chapter 35, General and Special Laws passed at the First Called Session of the Fortieth Legislature, relating to the appointment and compensation of County Auditors in counties containing a population of thirty-five thousand inhabitants, or over, according to the preceding Federal Census, or having a tax valuation of fifteen million dollars, according to the last approved tax roll, and providing for additional compensation for the County Auditors in such counties where there is a joint city and county hospital and where a special audit for such hospital must be kept and report made to the city and county, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, May 7, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 87, A bill to be entitled "An Act authorizing the appointment of not exceeding two deputy sheriffs to be paid out of the general fund of the county; providing the manner of their appointment and providing for their appointment and providing for their salary; limiting the application of this Act to counties of more than 11,090, and less than 11,130, population, according to the latest United States census, and counties of more than 4,935 and less than 4,380 according to said census; enacting other provisions incidental to the subject of the Act; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 101, A bill to be entitled "An Act to amend Chapter 6, Title 93, Revised Civil Statutes of Texas, 1925, and Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1924, relating to public weighers by amending Articles 5680, 5681, 5683, 5688, 5689, 5691, 5697, 5700, 5704; repealing articles 5702 and 5692, in Chapter 6, Title 93, Revised Civil Statutes of Texas, 1925, and amending article 1052; repealing article 1047, adding articles 1052a, 1052b, 1052c, 1052d, 1052e, to Chapter 5, Title 14, Revised Criminal Statutes of Texas, 1925; providing the holding of one section or provision of this Act unconstitutional shall not invalidate any other section or provision; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 106, A bill to be entitled "An Act regulating commercial aircraft and airmen in connection therewith; requiring commercial aircraft operated within this State to be licensed and registered under Federal laws and regulations; requiring airmen in connection with any such commercial aircraft to be licensed under Federal laws and regulations; limiting the provisions of the Act so that it will not apply to aircraft owned or operated by the United States Government or by this State or to airmen in connection therewith or to interstate or foreign commerce; prescribing penalties and enacting other regulations and provisions necessary and incidental to the subject and purpose of this Act; declaring the rule in event any part of the Act should be unconstitutional or invalid; repealing Chapter 285 of the General and Special Laws of the Regular Session of the Forty-first Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 100, A bill to be entitled "An Act to amend Section 10 of Chapter 25 of the General and Special Laws of the Regular Session of the Fortieth Legislature so as to increase the salary of the Judge of the County Criminal Court of Dallas County, Texas, to Five Thousand Dollars per year, and providing that the Judge of said court shall devote his entire time to the duties of his office, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 99, A bill to be entitled "An Act to amend Chapter 176 of the General Laws of the Thirty-eighth Legislature so as to increase the salary of the Judge of the County Court of Dallas County at Law No. 1 and the Judge of the County Court of Dallas County at Law No. 2 from Thirty-six Hundred (\$3,600.00) Dollars per annum to Five Thousand Dollars (\$5,000.00) per annum each and prescribing the method of payment: providing that the judges of said courts shall devote their entire time to the duties of their office, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and that it being a local bill, that it be not printed.

WIRTZ, Chairman.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 74, A bill to be entitled "An Act relating to the practice of barbering; providing who shall practice barbering and who shall serve as a barber student and barber's assistant, and requiring the certificate as a registered barber and a certificate of registration as a student and assistant barber, and providing for qualifications of a barber and a student and assistant barber, and the qualifications of a barber and assistant barber shall possess in order to receive a certificate and to practice barbering; providing who are exempt from the provisions of this Act, the standard of education and the qualifications for certificates of registration as a registered barber and as a registered assistant barber; providing for the examination of applicants by a board for a certificate of registration; providing the age, character, and habits of each person to whom a certificate may be issued as a practicing barber and as an assistant barber; providing for the is-

suance of a certificate of registration to a barber and an assistant barber from other states; providing that persons, who for two years immediately preceding the taking effect of this Act, have been continuously engaged in the practice of barbering and possessing the necessary qualifications may be granted a certificate of registration without examination upon paying the required fee; providing that an assistant barber who has been practicing as such under the supervision of a practicing barber on and prior to the first day of November, 1929, by making application to the Board and paying the required fee shall be given credit for the time previously spent in such practice; providing for the renewal and restoration of certificates of registered barbers and registered assistant barbers, and fixing fees therefor; providing for the refusal and revocation of certificates by the Board, and for hearings thereon, and defining the barber business, prescribing the work and conditions of sanitation, and other conditions under which the work and business is to be conducted; etc. etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 97, A bill to be entitled "An Act to amend Article 1052, Title 15, Chapter 3, Code of Criminal Procedure of Texas 1925, as amended by Chapter 104, Acts of the Forty-first Legislature, Regular Session, by fixing the fee of the Justice of the Peace at \$3.00 and by omitting therefrom the concluding portion of Section 1, relating to the taxing, collecting and paying into the treasury of fines and costs heretofore authorized for justices of the peace or judges and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MILLER, Chairman.

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 94, A bill to be entitled "An Act to repeal Article 1066, Title 15, Chapter 4, Code of Criminal Procedure of Texas 1925, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MILLER, Chairman.

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom was referred

S. B. No. 96, A bill to be entitled "An Act to amend Article 1074, Title 15, Chapter 4, Code of Criminal Procedure of Texas 1925, amended by Chapter 236, Acts of the Regular Session of the Forty-first Legislature so as to provide a trial fee of five dollars in the County Courts and four dollars in the Justice Courts in misdemeanor cases, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MILLER, Chairman.

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Towns and City Corporations to whom was referred

S. B. No. 109, A bill to be entitled "An Act granting to and recognizing, ratifying and confirming authority of cities having a population of more than one hundred and fifty thousand and less than one hundred and sixty thousand at the time of taking federal census of 1920, and operating under provision of the Home Rule Act, the power to provide for annexing additional territory according to such provisions as are contained in the Charter of such city;

providing that the annexed territory may include one or more fresh water supply districts, or cities and towns of less than five thousand people; prescribing the duties of the governing boards of the city annexing such territory in reference thereto; providing for the assumption by the city of the bonded indebtedness of such district or districts and the legal indebtedness of incorporated cities or towns annexed; providing for the abolition of the corporate existence of such district or districts or cities and towns annexed and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

BERKELEY, Chairman.

Committee Room,
Austin, Texas, May 9, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 91, A bill to be entitled "An Act creating a more efficient road system for Hopkins County, Texas; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, May 9, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 28, A bill to be entitled "An Act creating a more efficient road system for McMullen County, Texas; etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, May 9, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 82, A bill to be entitled "An Act creating, and defining by metes and bounds, Road District No. 3 of Colorado County, Texas, and etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, May 9, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Highways and Motor Traffic, to whom was referred

S. B. No. 115, A bill to be entitled "An Act to create a more efficient road system for McLennan County, Texas, making county commissioners of said county ex-officio road commissioners and prescribing their duties as such, and etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

WITT, Chairman.

Committee Room,
Austin, Texas, May 9, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

S. B. No. 117, A bill to be entitled "An Act amending Section or Subdivision 3, of Article 199 of the Revised Civil Statutes of 1925, and changing the times of holding the terms of the District Court in the Third Judicial District of Texas; enacting necessary provisions in reference to processes, writs, bonds, recognizances and in reference to grand and petit jurors made necessary by the changes made by this Act and validating and legalizing the same; enacting proper provisions relative to the continuance of any term of this court in session when this Act takes effect; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be not printed.

PATTON, Chairman.

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 93, A bill to be entitled "An Act declaring that the business of manufacturing, delivering and distributing ice is affected with a public interest and prescribing how the conduct of such business shall be regulated in the public interest and conferring upon the Railroad Commission of Texas the power to carry out the provisions of this Act and to regulate the conduct of such business as provided in this Act; to prescribe and enforce reasonable rates, rules and regulations in the conduct of such business; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

WIRTZ, Chairman.

Committee Room,

Austin, Texas, May 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 55, A bill to be entitled "An Act to authorize the Board of Control by and with the consent of the Governor, to select and set aside so much of the lands of the Texas Penitentiary at Rusk, Texas, as may be requisite and necessary for the use of Rusk State Hospital, etc."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that Committee Substitute do pass in lieu thereof and be printed in the Journal.

BERKELEY, Chairman.

By Thomason. S. B. No. 55.

A BILL

To Be Entitled

An Act to authorize the Board of Control by and with the consent of the Governor, to select and set aside so much of the lands of the

Texas Penitentiary at Rusk, Texas as may be requisite and necessary for the use of Rusk State Hospital and to authorize the Board of Control by and with the consent of the Governor to sell and dispose of any of the remainder of the lands situated in Cherokee County and formerly belonging to the Texas Penitentiary System, and to authorize the Board of Control by and with the consent of the Governor to lease any and all of said lands owned by the State in Cherokee County for the purpose of prospecting for oil, gas and other minerals; repealing all laws and parts of laws in conflict with this Act; and declaring an emergency.

Whereas, By an Act of the Thirty-Fifth Legislature, known as H. B. No. 451, Chapter 198, of the General Laws of the Thirty-fifth Legislature, it was provided that there should be located a hospital for the insane at Rusk, Texas, on the property there situated and owned by the State of Texas, and then held and in part used by the Penitentiary System of this State, and said Act provided that the Governor, Comptroller of Public Accounts, and the State Treasurer should have the power, and it was made their duty to select the site for said hospital on said property belonging to the State at Rusk, Texas, and should select and set aside to said Hospital so much of the lands of the Texas Penitentiary at Rusk, Texas, as should be requisite and needful for the use of said hospital, and whereas, the Governor, Comptroller of Public Accounts and the State Treasurer have never set aside or otherwise determined what lands owned by the State at Rusk, Texas, shall be set apart and used permanently by the said Rusk State Hospital, therefore,

Be it enacted by the Legislature of the State of Texas:

Section 1. That the Board of Control of the State of Texas, by and with the consent of the Governor, is hereby authorized to set aside for the use of Rusk State Hospital so much of the lands and property situated in Cherokee County, Texas, formerly used by the Penitentiary System, as said Board may determine to be requisite and needful for the use of said hospital, and when so selected the

Board of Control shall enter of record in the Minutes of said Board a resolution describing the lands so selected and set aside for the use of said hospital, and the Board of Control is hereby authorized to sell and dispose of all other lands formerly owned by the Penitentiary System in Cherokee County, and not set aside for the use of the Rusk State Hospital, as herein provided.

Sec. 2. The Board of Control, by and with the consent of the Governor is hereby authorized and empowered to lease any and all lands owned by the State of Texas in Cherokee County and belonging to the Penitentiary System on April 4th, 1917, for the purpose of prospecting for oil, gas and other minerals. Provided, however, that said sale or lease shall be made by advertising in three daily papers, giving fifteen days notice of the proposed sale or lease, and said sale or lease shall be by public outcry on the front steps of the State Capitol, and shall be sold or leased to the highest bidder. Provided, further, that the Board of Control and the Governor shall have authority to reject any and all bids.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. The fact that the lands necessary for the use of the Rusk State Hospital have never been selected and set aside for the use of said hospital and the fact that the State owns much land in Cherokee County which formerly constituted a part of the Penitentiary System that is not needed by said Hospital, and that is not being used for any purpose and is not bringing the State any revenue, and that cannot be disposed of until it is ascertained what portion of said lands are needed by said hospital, and the further fact that there is no legally authorized agency of the State which has authority to sell or dispose of any of said lands, or to lease same, constitute an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

By Committee. C. S. S. B. No. 55.

A BILL

To Be Entitled

An Act to authorize the Board of Control by and with the consent of the Governor, to select and set aside so much of the lands of the Texas Penitentiary at Rusk, Texas as may be requisite and necessary for the use of Rusk State Hospital, except lands heretofore set aside to the Agricultural and Mechanical College for reforestation purposes, and to authorize the Board of Control by and with the consent of the Governor to sell and dispose of any of the remainder of the lands situated in Cherokee County and formerly belonging to the Texas Penitentiary System, and to authorize the Board of Control by and with the consent of the Governor to lease any and all of said lands owned by the State in Cherokee County for the purpose of prospecting for oil, gas and other minerals, except lands heretofore set aside to the Agricultural and Mechanical College for reforestation purposes, and declaring the action of the prison commissioners heretofore deeding and leasing land to L. P. Featherstone to be void and declaring same lands to be the property of the State and setting same aside for the benefit of Rusk State Hospital, repealing all laws and parts of laws in conflict with this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. By an Act of the Thirty-fifth Legislature, known as H. B. No. 451, Chapter 198, of the General Laws of the Regular Session of the Thirty-fifth Legislature, it was provided that there should be located a hospital for the insane at Rusk, Texas, on the property then situated and owned by the State of Texas, and then held and in part used by the Penitentiary System of this State, and said Act provided that the Governor, Comptroller of Public Accounts, and the State Treasurer should have the power, and it was made their duty to select the site for said hospital on said property belonging to the State at Rusk, Texas and should select and set aside to said hospital so much of the lands

of the Texas Penitentiary at Rusk, Texas, as should be requisite and needful for the use of said hospital, and the Governor, Comptroller of Public Accounts and the State Treasurer have never set aside or otherwise determined what lands owned by the State at Rusk, Texas, shall be set apart and used permanently by the said Rusk State Hospital.

Sec. 2. That the Board of Control of the State of Texas, by and with the consent of the Governor, is hereby authorized to set aside for the use of Rusk State Hospital so much of the lands and property situated in Cherokee County, Texas, formerly used by the Penitentiary System, as said Board may determine to be requisite and needful for the use of said hospital, and when so selected the Board of Control shall enter of record in the Minutes of said Board a resolution describing the lands so selected and set aside for the use of said hospital, and the Board of Control is hereby authorized to sell and dispose of all other lands formerly owned by the Penitentiary System in Cherokee County, and not set aside for the use of the Rusk State Hospital, as herein provided, except the lands set aside by S. B. No. 351, Chapter 204, page 674 of the Acts of the Regular Session of the Thirty-ninth Legislature, for forestry purposes under the jurisdiction of the Board of Directors of Agricultural and Mechanical College of Texas, and the exclusive right to sell and lease the above mentioned land is vested in the Board of Directors of the Agricultural and Mechanical College.

Sec. 3. The Board of Control, by and with the consent of the Governor, is hereby authorized and empowered to lease any and all lands owned by the State of Texas in Cherokee County and belonging to the Penitentiary System on April 4th, 1917, for the purpose of prospecting for oil, gas and other minerals, except the lands set aside by S. B. No. 351, Chapter 204, page 674 of the Acts of the Regular Session of the Thirty-ninth Legislature, for forestry purposes under the jurisdiction of the Board of Directors of Agricultural and Mechanical College of Texas, and the exclusive right to sell and lease the above mentioned

land is vested in the Board of Directors of the Agricultural and Mechanical College. Provided, however, that said sale or lease shall be made by advertising in three daily papers, giving fifteen days notice of the proposed sale or lease, and said sale or lease shall be by public outcry on the front steps of the State Capitol, and shall be sold or leased to the highest bidder. Provided, further, that the Board of Control and the Governor shall have authority to reject any and all bids.

Sec. 4. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 5. It is hereby declared that the action of the Board of Prison Commissioners in conveying and leasing certain lands of the Penitentiary System by deed dated March 16, 1920 to L. P. Featherstone was void for the reason that the Governor, State Comptroller and Treasurer had never determined what property owned by the State at Rusk, Texas, should be set apart to and used by the hospital as created by Chapter 198 of the Acts of the Regular Session of the Thirty-fifth Legislature and said lands so attempted to be conveyed or leased by said deed are here now declared to be the property of the State of Texas; and same are now set aside for the use and benefit of the Rusk State Hospital.

Sec. 6. The fact that the lands necessary for the use of the Rusk State Hospital have never been selected and set aside for the use of said hospital and the fact that the State owns much land in Cherokee County which formerly constituted a part of the Penitentiary System that is not needed by said hospital, and that is not being used for any purpose and is not bringing the State any revenue, and that cannot be disposed of until it is ascertained what portion of said lands are needed by said hospital, and the further fact that there is no legally authorized agency of the State which has authority to sell or dispose of any of said lands, or to lease same, constitute an emergency and an imperative necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and said Rule is hereby suspended, and

that this Act take effect and be in force from and after its passage, and it is so enacted.

Committee Room

Austin, Texas, May 9, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, the majority of your Committee on Insurance, to whom was referred

S. B. No. 64, A bill to be entitled "An Act to better assure and protect the membership and subordinate lodges of Fraternal Benefit Societies against the local lodges and to provide a legal way whereby same may be done when it is desired to change such society into a mutual or stock company; providing ways and means for securing the approval of the members of such societies, as represented by the subordinate branches giving the members preference in the way of stock ownership or mutual participation; and providing for a fair distribution of same among the membership; providing further that the new company so incorporated shall succeed to all contracts, liabilities, and property rights of the former society; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed in the Journal.

MOORE, Chairman.

By Hornsby.

S. B. No. 64.

A BILL

To Be Entitled

An Act to better assure and protect the membership and subordinate lodges of Fraternal Benefit Societies against sales and mergers of such societies without the consent of the local lodges and to provide a legal way whereby same may be done when it is desired to change such society into a mutual or stock company; providing ways and means for securing the approval of the members of such societies, as represented by the subordinate branches; giving the members preference in the way of stock ownership or mutual participation; and providing for a fair distribution of same among the membership; providing further that the

new company so incorporated shall succeed to all contracts, liabilities, and property rights of the former society; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Any fraternal benefit society with a lodge system and representative form of Government, doing business in the State of Texas, may convert itself into a mutual benefit company, or into an incorporated stock company by conforming to the provisions of this Act.

Sec. 2. When it shall be determined by the governing body of a fraternal benefit society to submit the proposed change to the members of the society, a meeting shall be called not less than ninety days hence, and notice of such purpose with a general plan of the changes shall be mailed to all the subordinate lodges or branches of the society, which notice shall be mailed at least forty (40) days prior to the day named in the call by the governing body. Within twenty (20) days after the receipt of such notice, each lodge or subordinate branch shall in regular or called session pass upon the proposal and choose a representative or delegate, by whatever name the representative may be known, to the governing body for the state (if such society be operating in more than one state). When the delegates or representatives so chosen to the state body shall have assembled they shall choose the requisite number of representatives or delegates to which the state may be entitled to the Supreme or Grand Lodge, if same be located in the State of Texas.

Sec. 3. Pursuant to said notice and convening of the supreme governing body, there shall be adopted a resolution by delegates representing a majority of the total membership, of the association authorizing the conversion of the said fraternal benefit society into a mutual or stock life insurance company, and shall set forth or ratify a certificate of incorporation, amending the society's charter, and shall set forth:

(a) The name of the society, and the name of the new corporation by which it shall thereafter be known,

which shall preferably be a continuation of the same name.

(b) The object of the corporation.

(c) The location of its principal offices, which must be within the State of Texas, and the names of the principal officers of such corporation, who shall serve until their successors are elected and qualified.

(d) The period, if any, for the duration of the corporation.

(e) The amount of the capital stock authorized, if any, and the number of shares into which it is divided, and the amount of capital stock to be immediately paid in, which shall not be less than \$100,000.00 and generally comply with laws of Texas governing the organization of insurance companies.

(f) Any other provisions which the supreme or governing body may choose to insert to protect the membership of the retiring society and insure the business and the conduct of the affairs of the new corporation.

Sec. 4. The certificate of incorporation so adopted or amended shall be filed with the Commissioner of Insurance for the State of Texas, and be incorporated in the charter of the proposed company.

Sec. 5. A report of said meeting certified to by the presiding officers under a corporate seal of such society shall also be filed with the Commissioner of Insurance for the State of Texas.

Sec. 6. If such fraternal benefit society be converted into a stock life insurance company, each and every policyholder, certificate holder, or other member of such society, shall have a preference right for ninety days after such determination to subscribe for the proportion of the total capital stock offered for sale, which amount of his insurance bears to the society's total insurance in force at the time of the conversion which time shall be that at which the supreme governing body authorized the change. Provided further that before any of the stock shall be offered for public sale and the membership of the society shall have a preference in the purchase thereof, but that no one member shall be allowed to subscribe or purchase more than twenty-five per cent of the capital stock of the new company, nor shall he

subscribe or be allowed to purchase more than ten per cent of the capital stock of the new company if there be other members applying in writing for the purchase of stock whose subscriptions are not filled. If the membership shall not have subscribed for the total capital stock authorized, then others who were not members of the society at the time of the conversion may be permitted to subscribe for stock and be allowed equal rights in the ownership thereof with all other stockholders.

Sec. 7. When such fraternal benefit societies shall have complied with the provisions of this Act and the other laws of this State regulating the incorporation of life insurance companies, and shall have received from the Commissioner of Insurance its charter or certificate of authority to transact business as a stock life insurance company, its reorganization and conversion into such stock company shall be complete. Such reorganization and converted corporation shall be deemed in law to have all the rights, privileges, powers, and authority of any other stock corporation organized for doing a life insurance business in the State of Texas, and controlled by the laws applying thereto. The new corporation shall be deemed in law to be a continuation of the business of the fraternal benefit society when the reorganization and conversion shall have been accomplished by the formation of a new company or by amendment to its former charter, and such reorganized corporation shall succeed to and become invested with all and singular the rights, privileges, franchises, and all property, real, personal, or mixed, of the former society, and all debts due on any account and all other things and choses in action theretofore belonging to such fraternal benefit society, and all property rights, privileges, franchises, and all other interest, shall thereafter be as effectually the property of such organized and converted corporation as they were the property of the former fraternal benefit society, and the title to any real estate by deed or otherwise vested in the former fraternal benefit society shall forthwith vest in such organized converted corpora-

tion, and the title thereto shall not in any way be impaired by reason of such change or reincorporation.

Sec. 8. The rights of all members, policy holders, creditors, and the standing of all claims under the former fraternal benefit society shall be preserved unimpaired under the new corporation, and all debts, liabilities, and duties of the former fraternal benefit society shall thenceforth attach to the re-organized corporation, and may be enforced against it to the same extent as if said debts and liabilities had been incurred or contracted by the new corporation, and all outstanding benefit certificates or policies issued by the said fraternal benefit society shall be valid obligations of the new corporation, without the issuance of new policies.

Sec. 9. Such organized and converted corporation shall be obliged to carry out and perform all of the obligations of every kind and character owing by the former fraternal benefit society to the holders of its policies or beneficial certificates, and the same may be enforced against it to the extent as if said policies and beneficial certificates had been issued by it after conversion. Any pending suits wherein the former fraternal benefit society was a party shall be unaffected by the conversion thereof and shall be prosecuted by or against such reorganized and converted corporation the same as if the conversion had not taken place.

Sec. 10. The members of such fraternal benefit society, or the policy holders in the chartered incorporated company, may form local clubs for social and charitable purposes, but the same shall have no connection with the management of the affairs of the corporation or affect its liability or the insurance in effect.

Sec. 11. The importance of this Act, and the fact that the present law provides no adequate means whereby a fraternal benefit society may change itself into a mutual or into an old line stock company where its membership should desire to do so and the necessity of properly protecting the membership during such transition, and the great amount of business now pending before this session of the Legislature, create an

emergency, and an imperative public necessity demanding the suspension of the constitutional rule requiring bills to be read on three several days in each House, and said rule is hereby suspended so that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 78, A bill to be entitled "An Act regulating the practice of medicine; amending Article 4495 of the Revised Civil Statutes of 1925 so as to provide for the Texas State Board of Medical Examiners and for the appointment of the members of said Board and prescribing their term of office; amending Article 4498 of the Revised Civil Statutes of 1925 and Article 739 of the Penal Code of Texas as codified in 1925, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

BECK, Chairman.

By Moore, Hardin, Wirtz, S. B. No. 78 Beck.

A BILL

To Be Entitled

An Act regulating the practice of medicine; amending Article 4495, Revised Civil Statutes of 1925, so as to provide for the Texas State Board of Medical Examiners and for the appointment of the members of said Board, and prescribing their terms of office; amending Article 4498, Revised Civil Statutes of 1925, and Article 739 of the Penal Code of Texas as codified in 1925, so as to provide that it shall be unlawful for any one to practice medicine, in any of its branches, upon human beings within this State who has not registered in the District Clerk's office of every County in which he may reside, and in each and every County in which he may maintain an office or may designate a place for meeting, advising with, treating in any manner, or

prescribing for patients, his certificate evidencing his right to practice medicine, as issued to him by the Texas State Board of Medical Examiners, together with his age, post office address, place of birth, name of medical college from which he graduated and date of graduation, all subscribed and verified by oath, which, if willfully false, shall subject the affiant to conviction and punishment for false swearing, as provided by law; and so as to provide that the holder of every such certificate must have the same recorded upon each change of residence, as well as in each and every County in which he may maintain an office, or in which he may designate a place for meeting, advising with, treating in any manner or prescribing for patients, and providing that the absence of such record in any place where such record is required by this Act shall be prima facie evidence of the want of possession of such certificate; and providing that if, after the passage of this Act, any person shall be prosecuted for the unlawful practice of medicine, occurring before the Act becomes effective, the case shall be governed in all respects by the law in force at the time the alleged criminal act was committed; and further providing that this Act is intended to amend certain designated Articles of the Revised Civil Statutes of 1925, and certain designated articles of the Penal Code of 1925, and providing that the Articles thus amended shall be construed in connection with the other Articles constituting a part of the same Chapters of the Revised Civil Statutes and Penal Code in which the Articles of the same number now appear; and providing that nothing in this Act shall have the effect of repealing, amending or in any wise modifying the provisions of Chapter Eleven, Title 72, Revised Civil Statutes of 1925; and providing that, if any section, sub-section, sentence, clause or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portions

of this Act, it being the intent of the Legislature that such remaining portions shall operate as a valid law; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Article 4495, Revised Civil Statutes of 1925, is hereby amended, so that the same shall hereafter read as follows:

Article 4495. The Texas State Board of Medical Examiners shall consist of twelve men, learned in medicine, legal and active practitioners in the State of Texas, who shall have resided and practiced medicine in this State, under a diploma from a legal and reputable college of medicine of the School to which said practitioner shall belong, for more than three years prior to their appointment on said Board. No school shall have a majority representation on said Board. Within thirty days after this Act becomes effective, the members of the first Board, as provided in this Act, shall be appointed by the Governor of the State. Of the members first appointed, four shall serve for a term of two years, or until their successors shall be appointed and qualified; four shall serve for a term of four years, or until their successors shall be appointed and qualified; and the remaining four members shall serve for a term of six years, or until their successors shall be appointed and qualified. Thereafter, at the expiration of the term of each member of the Board first appointed, his successor shall be appointed by the Governor of the State, and shall serve for a term of six years, or until his successor shall be appointed and qualified. The present members of the State Board of Medical Examiners, as created by Article 4495, Revised Statutes of 1925, shall remain in office until the members of the Texas State Board of Medical Examiners provided for in this Act shall have been appointed by the Governor and shall have qualified. No member of said Texas State Board of Medical Examiners shall be a stockholder or a member of the faculty or a board of trustees of any medical school. Vacancies occurring in the Board shall be filled by the Governor. The word "medicine," as

used in this Article, shall have the same meaning and scope as is given to it in Article 4510, Revised Civil Statutes of 1925.

Sec. 2. Article 4498, Revised Civil Statutes of 1925 is hereby amended so that the same shall hereafter read as follows:

Article 4498. It shall be unlawful for any one to practice medicine, in any of its branches, upon human beings within the limits of this State who has not registered in the district clerk's office of every county in which he may reside, and in each and every county in which he may maintain an office or may designate a place for meeting, advising with, treating in any manner, or prescribing for patients, the certificate evidencing his right to practice medicine, as issued to him by the Texas State Board of Medical Examiners, together with his age, post office address, place of birth, name of medical college from which he graduated, and date of graduation, subscribed and verified by oath, when, if wilfully false, shall subject the affiant to conviction and punishment for false swearing, as provided by law. The fact of such oath and record shall be endorsed by the district clerk upon the certificate. The holder of every such certificate must have the same recorded upon each change of residence to another county, as well as in each and every county in which he may maintain an office, or in which he may designate a place for meeting, advising with, treating in any manner or prescribing for patients; and the absence of such record in any place where such record is hereby required shall be prima facie evidence of the want of possession of such certificate.

Sec. 3. Article 739 of the Penal Code of Texas as codified in 1925, is hereby amended so that the same shall hereafter read as follows:

Article 739. It shall be unlawful for any one to practice medicine, in any of its branches, upon human beings within the limits of this State who has not registered in the district clerk's office of every county in which he may reside, and in each and every county in which he may maintain an office or may designate a place for meeting, advising with, treating in any manner, or prescribing for patients, the certificate evi-

dencing his right to practice medicine, as issued to him by the Texas State Board of Medical Examiners, together with his age, post office address, place of birth, name of medical college from which he graduated, and date of graduation, subscribed and verified by oath, which, if wilfully false shall subject the affiant to conviction and punishment for false swearing, as provided by law. The fact of such oath and record shall be endorsed by the district clerk upon the certificate. The holder of every such certificate must have the same recorded upon each change of residence to another county, as well as in each and every county in which he may maintain an office, or in which he may designate a place for meeting, advising with, treating in any manner, or prescribing for patients; and the absence of such record in any place where such record is hereby required shall be prima facie evidence of the want of possession of such certificate.

Sec. 4. Nothing in this Act shall affect, in any way, any prosecution for the unlawful practice of medicine, pending at the time this Act takes effect, or the procedure in any such case; nor shall this Act have the effect of relieving any person from liability, criminal or civil, incurred by reason of the unlawful practice of medicine at any time prior to the passage of this Act. If, after the passage of this Act, any person shall be prosecuted for the unlawful practice of medicine, occurring before the Act becomes effective, the case shall be governed in all respects by the law in force at the time the alleged criminal act was committed.

This Act is intended to amend certain designated Articles of the Revised Civil Statutes of 1925, constituting a part of the Penal Code of 1925, and also certain designated Articles of the Penal Code of 1925, Chapter 6, Title 12, and, as amended by this Act, these Articles shall be construed in connection with the other Articles constituting a part of the same Chapters of the Revised Civil Statutes and Penal Code in which the designated Articles now appear. Nothing in this Act shall have the effect of repealing, amending or any wise modifying the pro-

visions of Chapter Eleven, Title 71, Revised Civil Statutes of 1925.

Sec. 5. If any section, sub-section, sentence, clause or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act, it being the intent of the Legislature that such remaining portions shall operate as a valid law.

Sec. 6. The importance to the public of the amendment to the medical practice laws proposed in this Act, and the imperative necessity for such amendments, creates an emergency and an imperative public necessity, demanding a suspension of the constitutional rule requiring bills to be read on three several days, and the same is hereby suspended, and it is enacted that this law shall take effect and be in force from and after its passage.

Committee Room,
Austin, Texas, May 8, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 79, A bill to be entitled "An Act further regulating the practice of medicine within this State; requiring the payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of medicine; and conferring certain powers on the Texas State Board of Medical Examiners in respect to the collection and expenditure of funds raised from the collection of such fees, etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

BECK, Chairman.

By Moore, Hardin, S. B. No. 79.
Wirtz, Beck.

A BILL

To Be Entitled

An Act further regulating the practice of medicine within this State; requiring payment of an annual registration fee by all persons lawfully qualified and engaged in the practice of medicine, and conferring certain powers on the Texas State Board of Medical Examiners

in respect to the collection and expenditure of funds raised from the collection of such fees; and providing that it shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this State, as defined in Article 4510, Revised Civil Statutes of 1925, or who shall hereafter be licensed for such practice by the Texas State Board of Medical Examiners, on or before the first day of January, 1930, and thereafter to annually register as such practitioners, requiring in connection with such annual registration a fee of \$2.00, such payment to be made as prescribed in the Act; and further providing that, upon receipt of the annual payment of such registration fee, the Texas State Board of Medical Examiners, after ascertaining from the records of the Board or from other reliable sources that the applicant is a licensed practitioner, shall issue to the applicant an annual registration certificate certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question, and providing that such registration and the payment of such fee shall not entitle the holder of such certificate to practice medicine within the State of Texas unless he has been previously duly licensed as such practitioner by the Texas State Board of Medical Examiners, and prescribing the effect of such certificate as evidence in a prosecution for the unlawful practice of medicine; and further prescribing a penalty for failure to pay such annual registration fee; and further providing that the fund realized from the collection of such annual registration fee shall constitute a special fund, and defining the purposes for which the current revenues to be derived and placed to the credit of said fund during the two years ending August 31, 1931, may be expended, and how the same may be expended and conferring certain powers and duties upon the Texas State Board of Medical Examiners; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. It shall be the duty of all persons now lawfully qualified and engaged in the practice of medicine in this State as defined in Article 4510, Revised Statutes of 1925, or who shall hereafter be licensed for the practice by the Texas State Board of Medical Examiners, to be registered as such practitioners with the Texas State Board of Medical Examiners on or before the first day of January, A. D. 1930, and thereafter to register in like manner annually, on or before the first day of January of each succeeding year. Each person so registering with the Texas State Board of Medical Examiners shall pay, in connection with each annual registration and for the receipt hereinafter provided for, a fee of two dollars (\$2.00), which fee shall accompany the application of every such person for such registration. Such payment shall be made to the Texas State Board of Medical Examiners. Every person so registering shall file with the Texas State Board of Medical Examiners a written application for annual registration, setting forth his full name, his age, his post office address, his place of residence, the county or counties in which his certificate entitling him to practice medicine has been registered, and the place or places where he is engaged in the practice of medicine, as well as the school of medicine to which he professes to belong and the number and date of his license certificate.

Upon receipt of such application, accompanied by the registration fee of two dollars (\$2.00), the Texas State Board of Medical Examiners, after ascertaining, either from the records of the Board or from other sources deemed by it to be reliable, that the applicant is a licensed practitioner of medicine in this State, shall issue to the applicant an annual registration receipt, certifying that the applicant has filed such application and has paid the registration fee mentioned for the year in question; provided that the filing of such application, the payment of the registration fee, and the issuance of such receipt shall not entitle the holder thereof to lawfully practice medicine within the State of Texas, unless he has in fact been previously licensed as such practitioner by the Texas

State Board of Medical Examiners, as prescribed by law, and has recorded his license certificate entitling him to practice, as issued by said Board, in the district clerk's office of the several counties in which the same may be required by law to be recorded, and unless his license to practice medicine is in full force and effect; and provided further that, in any prosecution for the unlawful practice of medicine as denounced in Chapter 6, Title 12, of the Penal Code of Texas, such receipt showing payment of the annual registration fee required by this Act shall not be treated as evidence that the holder thereof is lawfully entitled to practice medicine.

Sec. 2. If any person required to register as a practitioner of medicine under the provision of Section 1 of this Act shall fail, neglect or refuse to apply for such registration and pay the annual registration fee before the expiration of sixty days after the first day of January of each year, his license to practice medicine, previously issued to him, shall stand suspended, so that, for thereafter practicing medicine, he shall be subject to the penalty imposed by Article 742 of the Penal Code of 1925 upon any person unlawfully practicing medicine in this State; provided, that such license shall be reinstated at any time upon written application of the holder, made to the Texas State Board of Medical Examiners, accompanied by payment of the annual registration fees in arrears; and an additional fee of one dollar (\$1.00), and without examination or the performance of any other condition.

And provided further that when any such suspended license is thus reinstated, the practitioner's license shall stand as if the same had never been suspended, and if any prosecutions have been filed or any penalties incurred on account of the practice of medicine by such practitioner during the period when such license stood suspended, said prosecutions and penalties shall be completely abated, and such reinstatement shall be a complete defense to the same.

Sec. 3. All annual registration fees collected by the Texas State Board of Medical Examiners under this Act shall be placed in the State

Treasury, to the credit of a special fund to be known as the "Medical Registration Fund," and all of the current revenues to be derived and placed to the credit of said fund during the two years ending August 31, 1931, are hereby appropriated and shall be used by the Texas State Board of Medical Examiners, and under its direction, in the enforcement of the laws of this State prohibiting the unlawful practice of medicine, and in the dissemination of information to prevent the violation of such laws and to aid in the prosecution of those who violate such laws. The Texas State Board of Medical Examiners shall be authorized to employ and to compensate from such special fund employees and such other persons as may be found necessary to assist the local prosecuting officers of any county in the enforcement of all the laws of the State prohibiting the unlawful practice of medicine, and to carry out the other purposes for which said fund is hereby appropriated. Provided that all such prosecutions shall be subject to the direction and control of the regularly and duly constituted prosecuting officers, and nothing in this Act shall be construed as depriving them of any authority vested in them by law.

In performing the duties devolved by this Act upon the Board of Medical Examiners, said Board shall act through the Secretary-Treasurer of the Board of Medical Examiners. The Secretary-Treasurer shall receive a salary of not more than five thousand (\$5,000.00) dollars per annum, for the performance of such duties under this Act, and shall make and file a surety bond in favor of the Texas State Board of Medical Examiners in the sum of not less than ten thousand (\$10,000.00) dollars, conditioned that he will faithfully discharge the duties of his office. Such salary shall be paid out of said "Medical Registration Fund" and shall not be, in any way, a charge upon the general revenue of the State. The Texas State Board of Medical Examiners shall employ and provide such clerks and employees as may be necessary to assist the Secretary-Treasurer in performing his duties and in carrying out the purposes of this Act; provided, that the compen-

sation of all persons authorized to be employed under this chapter, shall be paid only out of said "Medical Registration Fund." All disbursements from said fund shall be made only upon written approval of the president and secretary-treasurer of the State Board of Medical Examiners and upon warrants drawn by the Comptroller to be paid out of said fund.

Sec. 4. This Act shall not be construed as repealing any part of Chapter Six of Title 71, Revised Civil Statutes of 1925, or Chapter Six of Title 12 of the Penal Code of 1925.

Sec. 5. The fact that it is desirable to have a State record properly kept, showing the number of persons engaged in the practice of medicine in this State, and showing where such persons are engaged, and the fact that additional funds are needed to properly enforce the laws of this State, prohibiting the unlawful practice of medicine, creates an emergency, which requires that the Constitutional Rule requiring bills to be read on three several days, be and the same is hereby suspended, and that this Act shall take effect and be in force from and after its passage, and it is so enacted.

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 80, A bill to be entitled "An Act to amend Sections 1, 4, 8, 14 and 15 of H. B. No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature, 1927, and adding a new section, Section 11a, thereto, so as to more accurately define the term "Motor Bus Company" and better define the jurisdiction of the Railroad Commission of Texas, in the regulation of motor bus transportation; to provide for the regulation of motor bus terminals; to provide for the licensing of bus drivers and prescribe fees therefor; regulating the rates and the sale of tickets over bus lines; granting the power to bring suits to procure injunctions for the enforcement of the provisions of said H. B. No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legisla-

ture; providing for penalties and punishment for the violation of the provisions of this Act; and for the violation of the rules and regulations of the Railroad Commission; providing for additional funds in the way of fees and licenses for the enforcement of said Act; requiring the sale of stock in a Motor Bus Company to be approved by the Railroad Commission; providing for filing fees for applications for certificates of convenience and necessity, and fees for the lease, sale or transfer of such certificate or stock; providing for the issuance by the Commission of identification metal plates for each vehicle used as a motor bus and the collection of fees therefor; repealing all laws in conflict therewith; providing that the invalidity of any part of this Act shall not affect the validity of any other part and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and that it be printed in the Journal but not otherwise.

WIRTZ, Chairman.

By Hornsby, Witt, Greer S. B. No. 80 and Hardin.

C. S. H. B. No. 155.

A BILL

To Be Entitled

An Act to amend Sections 1, 4, 8, 14 and 15 of H. B. No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature, 1927, and adding a new section, Section 11a, thereto, so as to more accurately define the term "Motor Bus Company" and better define the jurisdiction of the Railroad Commission of Texas, in the regulation of motor bus transportation; to provide for the regulation of motor bus terminals; to provide for the licensing of bus drivers and prescribe fees therefor; regulating the rates and the sale of tickets over bus lines; granting the power to bring suits to procure injunctions for the enforcement of the provisions of said H. B. No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature; providing for penalties and punishment

for the violation of the provisions of said Act, and for the violation of the rules and regulations of the Railroad Commission; providing for additional funds in the way of fees and licenses for the enforcement of said Act; requiring the sale of stock in a Motor Bus Company to be approved by the Railroad Commission; providing for filing fees for applications for certificates of convenience and necessity, and fees for the lease, sale, or transfer of such certificate or stock; providing for the issuance by the Commission of identification metal plates for each vehicle used as a motor bus and the collection of fees therefor; repealing all laws in conflict therewith; providing that the invalidity of any part of this Act shall not affect the validity of any other part, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Section 1 of H. B. No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas, 1927, be amended so that the same shall hereafter read as follows:

Section 1. (a) That the term "Corporation" when used in this Act means a corporation, company, association, or joint stock association.

(b) The term "Person" when used in this Act means an individual, firm or co-partnership

(c) The term "Motor Bus Company" when used in this Act means every corporation or persons as herein defined, their lessees, trustees, receivers, or trustees appointed by any court whatsoever, owning controlling, operating or managing any motor propelled passenger vehicle not usually operated on or over rails, and engaged in the business of transporting persons for compensation or hire over the public highways within the State of Texas, whether operating over fixed routes or fixed schedules, or otherwise; provided further, that the term "Motor Bus Company" as used in this Act shall not include corporations or persons, their lessees, trustees, or receivers, or trustees appointed by any court whatsoever, in so far as they own,

control, operate or manage motor propelled passenger vehicles operated wholly within the limits of any incorporated town or city, and the suburbs thereof, whether separately incorporated or otherwise;

(d) The term "Public Highway" when used in this Act means every street, road or highway in this State.

(e) The term "Highway Commission" when used in this Act means the Board of Highway Commissioners of the State of Texas.

(f) The term "Commission" when used in this Act means the Railroad Commission of the State of Texas.

Sec. 2. Section 4 of H. B. No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas, 1927, is hereby amended so as to hereafter read as follows:

Sec. 4. (a) The Commission is hereby vested with power and authority, and it is hereby made its duty to supervise and regulate the public service rendered by every motor bus company operating over the highways in this State, to fix or approve the maximum, or minimum, or maximum and minimum, fares, rates or charges of, and to prescribe all rules and regulations necessary for the government of, each motor bus company; to prescribe the routes, schedules, service, and safety of operations of each such motor bus company; to require the filing of such annual or other reports and of such other data by such motor bus company as the Commission may deem necessary.

(b) The Commission is hereby vested with authority to supervise, control and regulate all terminals of motor bus companies, including the location of facilities and charges to be made motor bus companies for the use of such terminal, or termini; provided, that the Commission shall have no authority to interfere in any way with valid contracts existing between motor bus companies and the owner or owners of motor bus terminals at the time of the passage of this Act.

(c) The Commission is hereby vested with power and authority to require that each driver of a motor bus operated by any motor bus company shall have a driver's license,

which license shall be issued by the Commission under such rules and regulations as it may prescribe; provided that every driver aforesaid shall acquire a driver's license within 30 days after this Act takes effect, and shall annually thereafter, on or before the anniversary of the date of the original license, acquire a renewal thereof. Such license issued shall be for a term of one year. The Commission is hereby authorized to collect a fee of Three (\$3.00) Dollars for each license issued or renewed, provided that the Commission may revoke any such license for cause after notice and public hearing. The Commission is empowered further to issue temporary licenses in cases of emergency for such term as the Commission may deem expedient. It shall be unlawful for any motor bus company to operate a bus in this State unless such motor bus is operated by a driver holding a license issued by the Commission.

(d) The Commission is further authorized and empowered to supervise and regulate motor bus companies in all other matters affecting the relationship between such motor bus companies and the traveling public that may be necessary to the efficient operation of this law.

(e) It shall be unlawful for any motor bus company to sell any tickets for the transportation of passengers within this State over any motor bus line at any rates other than the rates authorized and approved by the Commission under the terms of this law; and it shall be unlawful for any booking agency or brokerage concern, directly or indirectly, to sell tickets for the transportation of passengers over any motor bus line, and no motor bus company shall honor any ticket, or transport any passenger on any ticket so sold by any booking agency or brokerage concern.

(f) The Commission in prescribing and adopting routes and dealing with all other matters affecting the physical operation and control of motor bus companies over the public highways, under the power and authority of this Act, shall give due and proper consideration in forming its conclusions, and prescribing its orders and regulations to the general highway laws of this State, and to the orders, regulations, ordinances,

or recommendations of the Highway Commission of Texas, or the commissioners' courts of any county or counties, or the local government of any municipality, through or between which the routes for such motor bus companies are prescribed and adopted.

Sec. 3. Section 8 of H. B. No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas, 1927, is hereby amended by adding thereto, subdivisions e, f, and g, and shall hereafter read as follows:

Sec. 8. No application for certificate shall be considered by said Commission except that it shall be reduced to writing and set forth the following facts.

(a) It shall contain the name and address of the applicant, and the names and addresses of its officers, if any, and shall give full information concerning the financial condition and physical properties of the applicant.

(b) The complete route or routes over which the applicant desires to operate, together with a brief description of each vehicle which the applicant intends to use, including the seating capacity thereof.

(c) A proposed time schedule and a schedule of rates showing the passenger fares to be charged between the several points or localities to be served.

(d) It shall be accompanied by a plat or map showing the route or routes over which the applicant desires to operate, on which plat or map shall be delineated the line or lines of any existing transportation company or companies over the highways serving such territory, with the names and addresses of the owner or owners thereof, and shall point out the inadequacy of existing transportation facilities or service, and shall specify wherein additional facilities or service are required and would be secured by the granting of said application.

(e) Every application for a certificate of convenience and necessity shall be accompanied by a filing fee in the sum of Twenty-five (\$25.00) Dollars, which fee shall be in addition to other fees and taxes, and such

fee shall be retained by the Commission whether the certificate of convenience and necessity be granted or not.

(f) Every application filed with the Commission for an order approving the lease, sale, or transfer of any certificate of convenience and necessity, or stock of any corporation owning or controlling a "motor bus company" shall be accompanied by a filing fee in the sum of Twenty-five (\$25.00) Dollars, which fee shall be in addition to the other fees and taxes, and shall be retained by the Commission whether the lease, sale, or transfer of the certificate of convenience and necessity, or stock of any corporation owning or controlling a "motor bus company" is approved or not, such fee to be paid by the purchaser.

(g) No stock of any corporation owning and operating any "motor bus company" shall be sold or transferred without first securing the approval of the Commission as provided for certificates of convenience and necessity, in Section 5 of H. B. No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas, 1927, and this paragraph shall be cumulative of that section, provided that the provisions of this sub-section shall apply only to those cases where the proposed sale will change the controlling interest in such motor bus company.

Sec. 4. Amend H. B. No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas, 1927, by adding after Section 11 of the Act, and before Section 12 of the Act, a new section, to be numbered 11-A, as follows:

Section 11-A. It shall be unlawful for any motor bus company, as hereinbefore defined, to operate any motor bus within this State unless there shall be displayed and firmly fixed upon the front of such bus an identification metal plate to be furnished by the Commission. Each of such plates shall be so designed as to identify the vehicle on which same is attached as being a motor bus authorized to operate under the terms of this law, and the rules and regulations of the Commission, and said plate shall bear the number given to

said vehicle by the Commission, and such other marks of identification as may be necessary. The identification plates provided for herein shall be in addition to the regular license plates required by law. It shall be the duty of the Commission to provide such plates and each motor bus operating in this State shall display one of said plates within sixty days after this Act takes effect, and such plates shall be issued annually thereafter and attached to each motor bus not later than September first of each year. The Commission is authorized to collect from the applicant a fee of one (\$1.00) dollar for each plate so issued and said fee shall be deposited in the State Treasury to the credit of the "Motor Transportation Fund."

Sec. 5. Section 14 of H. B. No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas, 1927, is hereby amended so as to hereafter read as follows:

Section 14. (a) Any officer agent, servant, or employee of any corporation and every other person who violates or fails to comply with, or who procures, aids, or abets in the violation of any provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not to exceed five hundred (\$500.00) dollars, or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment; and the violations occurring on each day shall each constitute a separate offense.

(b) Any officer, agent, servant, or employee of any motor bus company as heretofore defined, and any motor bus company, as heretofore defined, and/or the owner or operator, officer, servant, agent or employee, or any such owner or operator of any bus terminal who violates or fails to obey, observe or comply with any order, decision, rule or regulation, direction, demand or requirement of the Commission, shall be subject to and shall pay a penalty not exceeding five hundred (\$500.00) dollars, for each and every day of such violation. Such penalty to be recovered in any court of competent jurisdiction in Travis County, Texas, or in the county in which the viola-

tion occurs. Suit for such penalty or penalties shall be instituted and conducted by the Attorney General of the State of Texas, or by the county or district attorney of the county in which the violation occurs, in the name of the State of Texas, and by direction of the Railroad Commission of Texas.

(c) Upon the violation of any provisions of this Chapter, or upon the violation of any rule, regulation, order or decree of the Commission, promulgated under the terms of this Act, any district court of Travis County, Texas, or any district court of any county where such violation occurs, shall have the power to restrain and enjoin the person, firm or corporation so offending from further violating the provisions of this Act, or from violating the rules, regulations, orders and decrees of the Commission. Such injunctive relief may be granted upon the application of the Commission, or upon the application of any person authorized by it to act, or upon the application of any "motor bus company" holding a certificate of convenience and necessity over the route affected, and against any "motor bus company" violating the provisions of this Act and not holding a certificate over such route and attempting to operate or operating over said route. Such relief may be granted in suits for penalties as provided in Subdivision (b) of this Section, but a suit for penalty shall not be a condition precedent to the injunctive relief provided by this Section.

(d) Any authorized inspector for the Commission shall have the power and authority to make arrests for the violation of this Act, coming under his observation, but such authority to make arrests shall be confined solely to the violations of this Act. Provided, further that it shall be the duty of all law enforcement officers of this State to enforce the provisions of this Act.

Sec. 6. Section 15 of H. B. No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas, 1927, is hereby amended so as to hereafter read as follows:

Section 15. For the purpose of defraying the expense of administering this Act, every motor bus com-

pany now operating, or which shall hereafter operate in this State, shall, in addition to other fees and charges provided for by law, at the time of the issuance of a certificate of convenience and necessity, as provided herein, and annually thereafter, on or between September 1st and September 15th of each calendar year, pay a special minimum fee of ten (\$10.00) dollars for each motor propelled vehicle, and a further fee, computed on the basis of one (\$1.00) dollar per passenger seat for the rated passenger capacity of the vehicle or vehicles used.

If the certificate of convenience and necessity herein referred to is issued after the month of September of any year, the fees paid shall be proportionate to the remaining portion of the year ending August 31st following, but in no case less than one-fourth the annual fee. In case of emergencies or unusual temporary demands for transportation, the fee for additional motor propelled vehicles for less periods shall be fixed by the Commission in such reasonable amounts as may be prescribed by general rule or temporary order.

All fees accruing hereunder and all fines and penalties collected under the provisions of this Act shall be payable to the State Treasurer at Austin, Texas, and shall, by the State Treasurer be deposited in the State Treasury at Austin and credited to the fund to be known and designated as the "Motor Transportation Fund," and out of which all warrants for expenditures necessary in administering and enforcing this Act shall be paid.

Sec. 7. All laws and part of laws in conflict herewith are hereby repealed.

Sec. 8. If any section, subsection, sentence, clause or phrase of this Act is held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Act.

Sec. 9. The fact that the amendments and additions to H. B. No. 50, the same being Chapter 270 of the Acts of the Regular Session of the Fortieth Legislature of the State of Texas, 1927, contained in this Act are essential and necessary to the proper regulation of motor bus transportation, the crowded condition of

the calendar and the near approach of the end of the session create an emergency and an imperative public necessity that the constitutional rule requiring all bills to be read on three several days be suspended, and said rule is hereby suspended, and that this Act shall take effect and be in full force from and after its passage and it is so enacted.

Committee Room,

Austin, Texas, May 10, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 105, A bill to be entitled "An Act relating to the selection of jurors in certain counties; providing for the appointment of jury commissioners to select jurors; providing the qualifications of said commissioners; providing where and when they shall meet; prescribing the method of selection of jurors; providing for the compensation of said jury commissioners providing for the jury wheel system of selecting jurors and prescribing how same shall be operated; providing that this Act shall be applicable only in certain counties classified by population; enacting other provisions incidental to the purpose of the Act and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed in the Journal.

WOODWARD, Chairman.

By Witt.

S. B. No. 105.

A BILL

To Be Entitled

An Act relating to the selection of jurors in certain counties; providing for the appointment of jury commissioners to select jurors; providing the qualifications of said commissioners; providing where and when they shall meet; prescribing the method of selection of jurors; providing for the compensation of said jury commissioners; providing for the jury wheel system of selecting jurors and prescribing how same shall be operated; providing that this Act shall be applicable only in certain counties classified by population; enacting other provisions incident-

tal to the purpose of this Act; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. Between the first and fifteenth days of July, 1929, and between the first and fifteenth days of July, each year thereafter the district court hereinafter described shall appoint jury commissioners for said court as follows:

One commissioner from each rural justice precinct, and in justice precincts having therein a city containing a population of not less than 20,000 and not more than 35,000, two commissioners; and in precincts containing a city of more than 35,000 and not more than 75,000, four commissioners; and in precincts containing a city of 75,000 and not more than 125,000, six commissioners; and in precincts containing a city of more than 125,000, eight commissioners; and shall cause the sheriff to notify them of their appointment and where and when they are to appear. Such commissioners shall possess the following qualifications:

First: Be intelligent citizens of the county and able to read and write English.

Second: Be qualified jurors and freeholders of the county.

Third: Have no suit in said Court which requires the intervention of a jury.

Fourth: The same person shall not act as jury commissioner more than once in the same year.

Such commissioners shall meet at the court house of their county on a date fixed by the Court, between the first and fifteenth days of August, 1929, and between the first and fifteenth days of August, each year thereafter, and select from the qualified jurors of such county, the jurors for service in the district and county courts of such county for the ensuing year in the manner hereinafter provided. Said commissioners shall receive \$5.00 per day for their services to be paid out of the jury funds of the county, and shall take oath of office now required by law of jury commissioners.

Sec. 2. Said commissioners shall write the names of as many men who are known to be qualified jurors under the law, residing in their respective counties, as may be directed

by the courts, on separate cards of uniform size and color, writing also on said cards, whenever possible, the postoffice address of each juror so selected. The cards containing said names shall be deposited in a circular hollow wheel, to be provided for such purpose by the commissioners' court of the county. Said wheel shall be made of iron or steel and shall be so constructed as to freely revolve on its axle; and shall be kept locked at all times, except when in use as hereinafter provided, by the use of two separate locks, so arranged that the key to one will not open the other lock; said wheel and the claps thereto attached into which the locks shall be fitted, shall be so arranged that said wheel cannot be opened unless both of said locks are unlocked at the time the wheel is opened. The keys to such locks shall be kept, one by the sheriff and the other by the district clerk. The sheriff and the clerk shall not open such wheel, nor permit the same to be opened by any person, except at the time and in the manner and by persons herein specified; but said sheriff and clerk shall keep such wheel, when not in use, in a safe and secure place where the same cannot be tampered with.

Sec. 3. Whenever directed by the Court having charge of said jurors, the district clerk or one of his deputies in the presence and under the direction of the district judge, if the jurors are to be drawn for the district court, or the clerk of the county court, or one of his deputies, and the sheriff, or one of his deputies, in the presence and under the direction of the county judge, if the jurors are to be drawn for the county court, shall draw from the wheel containing the name of jurors, after the same has been well turned so that the cards therein are thoroughly mixed one by one, the names of thirty-six jurors, or a greater or less number where such judge has so directed, for each week of the term of the district or county courts for which a jury may be required, and shall record such names as they are drawn upon as many separate sheets of paper as there are weeks for such term or terms for which jurors will be required. At such drawing, no person other than those above

named shall be permitted to be present. The officers attending such drawing shall not divulge the name of any person that may be drawn as a juror to any person.

Sec. 4. This Act shall be applicable in every county in this State having a population of not less than 78,000 and not more than 85,000, according to the latest United States census, and shall not be applicable in any other county or counties. No provision of H. B. No. 161 or H. B. No. 163 introduced at this Session of the Legislature, nor any other law of this State, shall affect the provisions of this Act in said counties, but this Act shall prevail over any conflicting provisions of any other such law.

Sec. 5. The fact that present laws relating to the selection of jurors in said counties are inadequate, and this Act will facilitate and improve the selection of suitable and acceptable jurors in said counties, creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each House be suspended, and that this Act shall take effect and be in force from and after its passage, and said rule is hereby suspended and it is so enacted.

Committee Room,
Austin, Texas, May 19, 1929.
Hon. Barry Miller, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 113, A bill to be entitled "An Act authorizing persons who, while acting as a duly elected and qualified tax collector of any county in Texas, erroneously paid to the county any excess fees of office to sue the county for the fees so erroneously paid; authorizing payment of a claim without the necessity of suit; providing that the plea of limitation shall not be available to the county as a defense against such action; that the plea of limitation shall not be available to the plaintiff against cross actions brought by the defending county; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the

recommendation that it do pass and be printed in the Journal.

WOODWARD, Chairman.

By McFarlane, Wirtz, S. B. No. 113.
and Cousins.

A BILL

To Be Entitled

An Act authorizing persons who, while acting as a duly elected and qualified tax collector of any county in Texas, erroneously paid to the county any excess fees of office to sue the county for the fees so erroneously paid; authorizing payment of a claim without the necessity of suit; providing that the plea of limitation shall not be available to the county as a defense against such action; that the plea of limitation shall not be available to the plaintiff against cross actions brought by the defending county; and declaring an emergency.

Whereas, There are persons in this State who, while acting as duly elected and qualified tax collectors of various counties in the State of Texas, collected and erroneously and through mistake of law, and acting under a ruling of a former Attorney General of this State, did collect and pay to the county treasurer of the several counties served by them sums of money varying in amount and paid at different times, which were due said persons as tax collectors of the respective counties as fees and commissions as provided for by Chapter 147, Acts of the Regular Session of the Thirty-fourth Legislature; and,

Whereas, The Supreme Court of the State of Texas, in an opinion rendered on the 5th day of December, 1928, in the case of Bitter vs. Bexar County, decided that the fees and commissions provided by said Chapter 147, constituted fees of office and belonged to said tax collectors.

Be it enacted by the Legislature of the State of Texas:

Section 1. That any person in the State of Texas who formerly served as a duly elected and qualified tax collector of any county of this State while subject in that capacity to the terms and provisions of the law known as the Maximum Fee Bill, and who, during such time, collected and paid over to the Treasurer of such county the fees and commis-

sions set out and provided for in Section 3 of Chapter 147, Acts of the Regular Session of the Thirty-fourth Legislature, 1915, or any part of such fees and commissions, is hereby authorized to bring suit in any competent court of this State against such county so served by him to collect and recover all such fees and commissions so paid over by him, provided such suit shall be brought in the county where such fees and commissions were collected and erroneously or wrongfully paid over as hereinbefore set out.

Sec. 2. In the event such a claim for the amount due any such person as defined in Section 1 of this Act is filed with the commissioners court of any such county, and said court is satisfied that the claim, or any part thereof, is correct, the said claim or such portion thereof as may be approved as correct by such commissioners court, shall be paid by such county without the necessity of court action.

Sec. 3. In case any such suit be brought against any county in this State for the purposes set out in Section 1 of this Act, no plea of limitation shall be available to such county as a defense to any suit, and in any cross action filed by a county against the plaintiff in any suit authorized by this Act for money due the county by the tax collector, the plea of limitation to such cross action shall not be available to the plaintiff.

Sec. 4. All laws and parts of laws in conflict with the provisions of this Act are hereby repealed.

Sec. 5. The fact that the Supreme Court of Texas in the case of Bitter vs. Bexar County, 11 S. W. (2nd) 163, has held that Section 2, Chapter 64, of the Acts of the Second Called Session of the Thirty-sixth Legislature, 1919, is unconstitutional, and the further fact that many tax collectors, acting under said Act, have erroneously paid money to some of the counties of this State, creates an emergency, and a public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and that this Bill be put on its third reading and final passage, and it is so enacted.

2—Jour.

(Majority Report.)

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

S. B. No. 95, A bill to be entitled "An Act repealing Article 3884, Revised Civil Statutes of Texas of 1925, as amended in 1927, relating to the compensation of deputies and assistants of certain district and county officers, and amending Article 3902 of the Revised Civil Statutes of Texas of 1925, relating to compensation of deputies and assistants of certain district and county officers; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass.

WIRTZ, Chairman.

(Minority Report)

Committee Room,

Austin, Texas, May 8, 1929.

Hon. Barry Miller, President of the Senate.

Sir: We, a Minority of your Committee on State Affairs, to whom was referred

S. B. No. 95, A bill to be entitled "An Act repealing Article 3884, Revised Civil Statutes of Texas of 1925, as amended in 1927, relating to the compensation of deputies and assistants of certain district and county officers, and amending Articles 3902 of the Revised Civil Statutes of Texas of 1925, relating to compensation of deputies and assistants of certain district and County officers; and declaring an emergency."

Have had the same under consideration, and beg to differ with the majority of your Committee and report it back to the Senate with the recommendation that it do pass.

WITT,

HORNSBY.

By Hornsby, Woodul, S. B. No. 95.
Hyer, Witt.

A BILL

To Be Entitled

An Act repealing Article 3884, Revised Civil Statutes of Texas of 1925, as amended in 1927, relating to the compensation of depu-

ties and assistants of certain district and county officers, and amending Article 3902 of the Revised Civil Statutes of Texas of 1925, relating to compensation of deputies and assistants of certain district and county officers; and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That Article 3884 of the Revised Civil Statutes of Texas of 1925, as amended in 1927, Chapter 102, of the General Laws of the Fortieth Legislature, page 153, be, and the same is hereby repealed.

Sec. 2. That Article 3902 of the Revised Civil Statutes of Texas of 1925, be, and the same is hereby amended so as to hereafter read as follows:

Article 3902. Whenever the county judge, sheriff, county clerk, county attorney, district clerk, tax collector, tax assessor, justice of the peace, constable, county auditor, shall require the services of deputies or assistants in the performance of his duties, he may apply to the county commissioners' court of his county for authority to appoint such deputies or assistants, setting out by sworn application the number needed, the position sought to be filled, and the amount to be paid. Said application shall be accompanied by a statement showing the probable receipts and disbursements of the office; and said court may make its order authorizing the appointment of such deputies and fix the compensation to be paid them and determine the number of appointed; provided, that in no case shall commissioners courts or any member thereof attempt to influence the appointment of any person as deputy or assistant in any office. Upon the entry of such order the officers applying for such deputies shall be authorized to appoint them as provided by law; provided that said compensation shall not exceed the maximum amounts hereinafter set out. In counties having a population of 100,000 inhabitants, the district attorney in the county of his residence or the county attorney where there is not a district attorney, shall be allowed by order of the commissioners court of the county where such official resides such

amount as said court may deem necessary to pay for the proper administration of the duties of such office, not to exceed seventy-five dollars per month; such amount to be allowed upon affidavit of said district or county attorney showing a necessity for such expenses and for all the amounts so incurred. Said commissioners court may also require any other evidence as it may deem necessary to show the necessity for such expenditure, and its judgment in allowing same shall be final.

The maximum compensation which may be allowed for deputies or assistants to the officers above named for their services shall be as follows, to-wit:

First assistant or chief deputy, not to exceed \$1800 per annum; other assistants or deputies, not to exceed \$1500 per annum each.

Provided, that in counties having a population of from 36,500 to 100,000 inhabitants, the maximum compensation which may be allowed such deputies or assistants for their services shall be as follows, to-wit:

First assistant or chief deputy, not to exceed \$2100 per annum; heads of such department not to exceed \$1800 per annum each; other deputies or assistants, not to exceed \$1500 per annum each.

Provided, that in counties having a population of over 36,500 inhabitants, containing no city with a population of 25,000 inhabitants and having property of an assessed valuation exceeding \$30,000,000 as shown by the tax rolls for the last preceding year, the maximum compensation which may be allowed such deputies or assistants shall be as follows, to-wit:

First assistant or chief deputy, not to exceed \$2400 per annum; heads of such department, not to exceed \$1800 per annum each; other deputies or assistants, not to exceed \$1500 each per annum.

Provided, that in counties having a population of from 36,500 to 100,000 and containing a city of over 25,000, the maximum compensation that may be allowed such deputies or assistants for their services shall be as follows, to-wit:

First assistant or chief deputy, not to exceed \$3000 per annum; heads of each department not to ex-

ceed \$2400 per annum each, other deputies or assistants not to exceed \$1800 per annum each.

Provided, that in counties having a population in excess of 100,000 inhabitants, and having a city of over 100,000, the maximum compensation that may be allowed such deputies or assistants for their services shall be as follows, to-wit:

First assistant or chief deputy, not to exceed \$3000 per annum; provided, the commissioners' court may increase said amount not to exceed \$3600 per annum, where a necessity therefor is shown and where the person to be appointed has been previously the head of a department for not less than one year or has been in the continuous service of the county for a period of not less than two years.

Assistant chief clerk not to exceed \$2700; provided, the commissioners' court may increase said amount to not exceed \$3000 per annum where a necessity therefor is shown and where the person to be appointed has been previously assistant chief clerk for not less than one year or has been in the continuous service of the county for a period of not less than two years.

Heads of departments may be allowed by the court, when in their judgment such are necessary, not to exceed \$2700 per annum, when such heads of departments sought to be appointed shall have previously served the county for not less than two continuous years. Other heads of departments shall receive not to exceed \$2400 per annum; provided, that no head of a department shall be created except where the person sought to be appointed is to be in actual charge thereof, with deputies or assistants under his supervision, or a department approved by the court and only in offices capable of a bona fide subdivision into departments.

Deputies or assistants other than those above provided for may be allowed, the number to be determined by the commissioners' court, and their salaries based as far as possible on a graduated scale according to service, ability and qualifications. Fifty per cent of the number so appointed may be authorized at a rate not to exceed \$2500 per annum, pro-

vided such rate shall be allowed only to deputies in service for two years or more and all others so appointed at a rate not to exceed \$1800 per annum.

Provided further, that in determining the number of inhabitants in each of the instances heretofore mentioned, the number of inhabitants as shown by the last United States census shall control.

The county commissioners' court in each order granting authority to appoint deputies or assistants shall state the number of deputies or assistants authorized and the amount of compensation to be allowed each deputy or assistant, which compensation shall be paid out of the fees of the office to which such deputies or assistants may be appointed and assigned, and shall not be included in estimating the maximum fees of the officers named above. The salaries referred to shall not be paid by the county, but are to be paid out of the fees of the office in the following manner:

First, out of any current fees collected; second, if such fees are not sufficient, then out of any delinquent fees collected which are due the county after all legal deductions are made, and if there be any balance remaining after payment of the maximum fee, compensation and excess fees due such officer or officers and the compensation of such deputy or assistant, such balance shall be paid to the county treasurer.

Provided, however, that nothing in this Act shall be construed to repeal H. R. No. 196, passed by the Regular Session of the Thirty-sixth Legislature, same being known as Chapter 47, of the Acts of the Regular Session of the Thirty-sixth Legislature, page 83, and any act amendatory thereof, relating to fixing salaries of district attorneys, their deputies, assistants and stenographers in counties having a population of more than 100,000.

Provided, that in counties of 200,000 inhabitants and over and containing a city with a population of over 160,000 inhabitants, according to the last United States census, and in which counties there are more than one district court, including criminal district courts, the clerk of the district court shall appoint a

special deputy for each such court when directed so to do by the judges of any such court, except in instances where there is one now provided for by law; provided further, that any such special deputy shall be paid out of the general fund of the county a salary not in excess of the maximum salary per annum provided for deputies now by law, payable monthly, and such compensation shall not be paid out of the fees of compensation of the district clerk, and shall not be taken into consideration in arriving at the maximum compensation and excess fees allowed the clerk of the district court.

Sec. 3. All laws and parts of laws in conflict herewith are hereby repealed.

Sec. 4. The fact that the chief deputies in counties having a population of over 36,500 inhabitants containing no city with a population of 25,000 inhabitants and having property of an assessed valuation exceeding thirty million dollars as shown by the tax rolls for the last preceding year are underpaid, creates an emergency and an imperative necessity demanding that the constitutional rule requiring bills to be read on three several days be suspended and that this Act take effect and be in force from and after its passage and it is so enacted.

Reasons for Vote on S. B. No. 13.

I vote "no" on this bill because it takes the election of State Superintendent of Education out of the hands of the people. I believe in the people having a voice in the selection of a man to as important an office as that of being the head of the education system of Texas.

EUGENE MILLER.

TWELFTH DAY.

Senate Chamber,
Austin, Texas.

Monday, May 13, 1929.

The Senate met at 10 o'clock a. m. pursuant to adjournment, and was called to order by President Pro Tem Eugene Miller.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.

Berkeley.

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| Cousins. | Parr. |
| Cunningham. | Parrish. |
| DeBerry. | Patton. |
| Gainer. | Pollard. |
| Hardin. | Russek. |
| Holbrook. | Small. |
| Hornsby. | Stevenson. |
| Hyer. | Thomason. |
| Love. | Westbrook. |
| Martin. | Williamson. |
| McFarlane. | Wirtz. |
| Miller. | Witt. |
| Moore. | Woodul. |
| Neal. | Woodward. |

Absent—Excused.

Greer.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Woodward.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By Senator Witt.

S. B. No. 129, A bill to be entitled "An Act enacting proper provisions for the making of transcripts in civil cases without cost where the appellant or plaintiff in error has made the proof required to appeal his case without bond; regulating same; and declaring an emergency."

Read first time and referred to Committee on Civil Jurisprudence.

By Senator Williamson.

S. B. No. 130, A bill to be entitled "An Act to amend Section (d) of Article 6686 of the Revised Civil Statutes of 1925 as amended by Chapter 211 of the Acts of the Regular Session of the 40th Legislature, so as to clarify the law in reference to the place where registration fees on motor vehicles shall be paid; and declaring an emergency."

Read first time and referred to Committee on State Affairs.

By Senator Williamson.

S. B. No. 131, A bill to be entitled "An Act providing for the appointment by the County Board of Trustees of a part-time County Superintendent for counties having an area of 1000 and not more than 1,150 square miles and with a population of 5,500 and not more than 6,000